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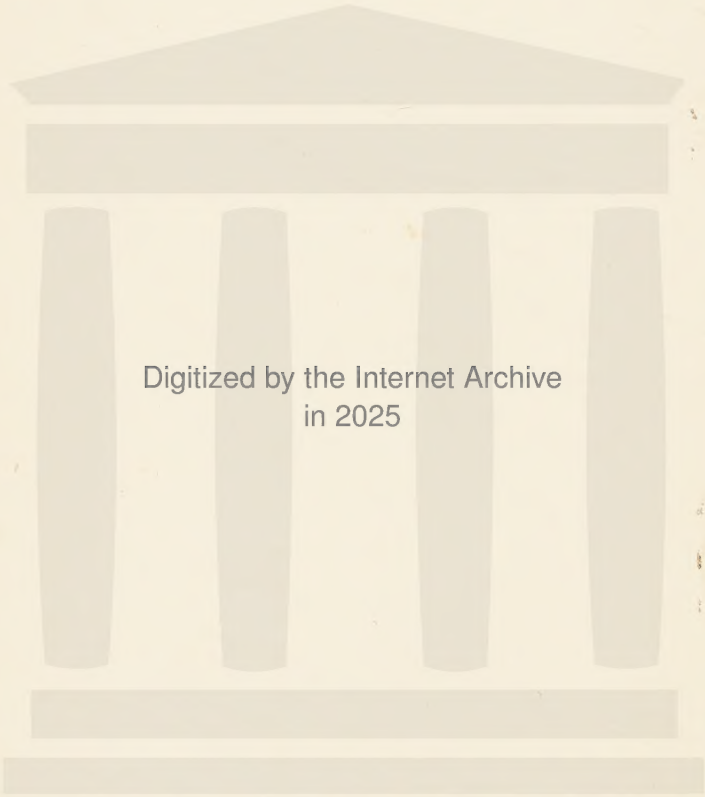
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OF THE

AMERICAN

JEWISH HISTORICAL SOCIETY

NUMBER 11

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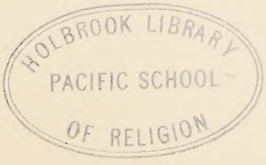
1903



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BALTIMORE, MD., U. S. A.

AMERICAN JEWISH HISTORICAL SOCIETY.

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PROF. J. H. HOLLANDER,
REV. DR. B. FELSENTHAL,
PROF. CHARLES GROSS.

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HON. GODFREY MORSE,
HON. OSCAR S. STRAUS, ex-officio
as Past President of the Society.

All communications should be addressed to the Corresponding Secretary, MAX J. KOHLER, 119 Nassau St., New York, U. S. A.

The Collections of the Society are deposited in the building of the Jewish Theological Seminary of America, 531 W. 123d St., New York.

OBJECTS.

The object of this Society is to collect and publish material bearing upon the history of America. It is known that Jews in Spain and Portugal lent no inconsiderable aid to the voyages that led to the discovery of America, that a few accompanied the earliest discoverers, and that Jews were among the first settlers on this continent, and in its adjacent islands. Considerable numbers saw service in the Colonial and Revolutionary wars, some of them with great distinction. Others contributed liberally to the Continental treasury, at critical periods, to aid in the establishment of Independence. Since the foundation of our government, Jews have played an active part in the political affairs of the country, and have been called upon to hold important public positions. The records of the achievements of these men will, when gathered together, prove of value and interest to the historian, and perchance cast light upon some obscure parts of the history of our country.

ELEVENTH ANNUAL MEETING.

The Eleventh Annual Meeting of the Society was held at Carnegie Music Hall in the City of New York, on Thursday, February 12th (Lincoln's Birthday), 1903, a morning, an afternoon and an evening session being held. The meeting was called to order by the President, Dr. Cyrus Adler. Hon. Simon W. Rosendale, one of the Vice-Presidents of the Society, presided during a portion of one of the sessions.

The minutes of the last meeting were adopted as printed in the last Publication of the Society. Letters from several officers and members who were prevented from attending, were also presented.

The Recording Secretary, Max J. Kohler, Esq., reported that the Society had on its rolls, 7 honorary members, 25 corresponding members, 3 life members and 208 regular members, making 243 in all; and that since the last meeting the Society had lost by death seven members, one by resignation and one dropped for non-payment of dues, while 17 new members had been elected.

A proposed Amendment to the Society's Constitution was presented by direction of the Executive Council and having the approval of that body, notice of which had been given by mail to the members on the printed notices of the meeting, providing for the amendment of Article IV. by inserting the words "a Curator" after the word "Treasurer"; on motion, it was unanimously adopted.

Prof. J. H. Hollander, Chairman of the Publication Committee, reported that Volume 10 of the Society's Publications had been published and distributed during the past year, and that additional material in the shape of various papers read at preceding meetings was still in the hands of the Committee, and that arrangements were being made for

the preparation and publication of an "Index" to Volumes 1 to 10 of the Society's Publications, to be prepared by Miss Henrietta Szold. The Treasurer, Prof. Richard J. H. Gottheil, presented his report, dated February 7th, 1903, as follows:

Dr.

To Balance, Knickerbocker Trust Company, October 1, 1901	$1,926.14	
Dues and back dues from members	928.00	
Sale of Publications through G. E. Stechert	1.35	
Interest Knickerbocker Trust Company to December 31, 1901	6.28	
Interest Knickerbocker Trust Company to June 30, 1902	13.79	
Total receipts		$2,873.56
Total expenditures		1,799.22
Balance Knickerbocker Trust Company, October 13, 1902		$1,074.34
Sale of Publications through Jewish Publication Society of America		15.60
Cash in hands of Treasurer		30.42
Total balance		$1,120.36

Cr.

Printing of Vol. IX	$591.23	
Miscellaneous printing	53.73	
Paper and letter heads	14.25	
Expenses of Tenth Annual Meeting	7.25	
Expenses of Secretary's office	24.83	
Expenses of Treasurer's office	25.00	
Notman Photographic Co	19.00	
Luckett & Worthington, for insurance	24.75	
Exchanges on bank	.80	
On exhibition account	34.28	
	$799.22	
Transfer Albany Savings Bank	1,000.00	
Total expenditures		$1,799.22

STATEMENT OF THE ASSETS OF THE SOCIETY, OCTOBER 1, 1902.

Balance in the Knickerbocker Trust Company....	$1,074.34
Cash in hands of the Treasurer, from sale of Publications	15.60
Cash in hands of Treasurer, from dues.....	46.02
Present deposit in Albany Savings Bank.....	2,322.36
	$3,443.22

On motion, the report was received, ordered on file and referred to an Auditing Committee of two, to be appointed by the President. Messrs. Benjamin Cardozo and Lee Kohns were designated such committee.

On motion, the President named Edgar J. Nathan, Esq., Rev. Dr. B. Drachman and G. Herbert Cone, Esq., as a Committee to nominate officers for the ensuing year. The Chair announced that Mr. Mendes Cohen, a Vice-President of the Society and for many years one of its officers, had advised him that he regretted that he was unable to accept re-election.

The Nominating Committee recommended the election of the following as officers of the Society for the ensuing year, all of whom were thereupon unanimously elected: President, Dr. Cyrus Adler; Vice-Presidents, Hon. Simon W. Rosendale, Prof. J. H. Hollander, Rev. Dr. B. Felsenthal, Prof. Charles Gross; Corresponding Secretary, Max J. Kohler, Esq.; Recording Secretary, Dr. Herbert Friedenwald; Treasurer, Prof. Richard J. H. Gottheil; Curator, Leon Hühner, Esq.; Additional Members of the Executive Council, Hon. Mayer Sulzberger, Prof. Morris Jastrow, Jr., Hon. N. Taylor Phillips, Hon. Simon Wolf, John Samuel, Esq., Rev. Dr. David Philipson, Rev. Henry Cohen, Prof. Morris Loeb, Hon. Godfrey Morse, also Hon. Oscar S. Straus, ex-officio as Past President of the Society.

Necrologies of deceased members were read and submitted as follows: Of the late Asher Myers, a Corresponding Member of the Society, by Prof. Solomon Schechter; of S. Van-

strahlen, a Corresponding Member, by Joseph Jacobs, Esq.; of Hon. Solomon Hirsch, by Hon. Oscar S. Straus; of Leonard Lewisohn, by Louis Marshall, Esq.; of Rev. Dr. Adolph Moses, by J. Garfield Moses, Esq.; of Dr. Aaron Friedenwald, by Dr. Cyrus Adler; and of Gratz Mordecai, by Charles J. Cohen, Esq.

The President designated Prof. J. H. Hollander (Chairman), Miss Henrietta Szold and Dr. Harry Friedenwald a Committee on Publication for the ensuing year.

The President's Address was delivered at the evening session. A report from the Society's Committee on Collections, prepared by Joseph Jacobs, Esq., was presented at the same session. On motion, a resolution was unanimously carried for the appointment by the Chair of a Committee of three, of which the Curator is to be one, to make arrangements with the Jewish Theological Seminary of America for carrying out their very kind offer, now accepted by the American Jewish Historical Society, for placing the collections of the Society in their new buildings. The Committee consists of Leon Hühner, Esq., N. Taylor Phillips, Esq., and Max J. Kohler, Esq.

At the close of the evening session a social reunion was held, at which a committee of ladies, interested in the Society, assisted.

The following papers were presented, informal discussion following a number of them:

(1) Leon Hühner, Esq., New York. *The Jews of New England, other than of Rhode Island, prior to 1800.*

(2) Dr. David Blaustein, New York. *Relations of the United States to the Jews of Roumania, Historically Considered.*

(3) Miss Elvira N. Solis, New York. *Notes on Isaac Gomez and Lewis Moses Gomez, from an old Family Record.*

(4) George A. Kohut, Esq., New York. *Jewish Heretics in Manila in the XVI and XVII Centuries.*

(5) G. Herbert Cone, Esq., New York. *New Matter Relating to Mordecai M. Noah.*

(6) Max J. Kohler, Esq., New York. *Chapters in the History of the Jews in South America and the West Indies.*

(7) Henry Necarsulmer, Esq., New York. *The Jews of Martinique in the 17th Century, translated, with notes added, from an article by M. Ab. Cahen.*

(8) Joseph Lebowich, Esq., Cambridge, Mass. *The Jews in Massachusetts prior to 1840.*

(9) J. D. Eisenstein, Esq., New York. *The Development of Casuistic Literature in America.*

(10) Rudolph I. Coffee, Esq., New York. *Jews and Judaism in the Hawaiian Islands.*

(11) Albert M. Friedenberg, Esq., New York. *The Jews and the American Sunday Laws.*

(12) S. M. Stroock, Esq., New York. *Switzerland and American Jews. An Episode of the "50s."*

(13) Joseph Jacobs, Esq., New York. *The Jewish Population of the City of New York, 1903.*

(14) N. Taylor Phillips, Esq., New York. *Items Relating to the History of the Jews of New York.*

The following were read by titles:

(1) Max J. Kohler, Esq., New York. *Dr. Roderigo Lopez, Queen Elizabeth's Physician, and his Relations to America.*

(2) Rev. George A. Kohut, Esq., New York. *The Trial of Francisco Maldonado de Silva, a Peruvian Jewish Martyr, Burnt at the Stake, January 23, 1639.*

(3) Leon Hühner, Esq., New York. *Isaac de Pinto.*

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ADDRESS OF THE PRESIDENT,

DR. CYRUS ADLER.

Members of the American Jewish Historical Society:

LADIES AND GENTLEMEN:

All persons who are anywhere assembled in the United States on this evening will remember that it is the anniversary of the birth of the man who declared that the government of the people, for the people and by the people could not perish. Every American honors the name of Abraham Lincoln. He was not only a great ruler but he was a great prophet. Our Society, which, though small in numbers is national in scope, has on its roll members from every section of the country. From East and West, South and North have we drawn workers, and each one, I am sure, cannot but recall that wonderful prophecy made by Lincoln when everything looked dark and full of desolation:

> "The mystic chords of memory stretching from every battlefield and patriot grave to every living heart and hearth-stone all over this broad land, will yet swell the chorus of the Union when again touched, as surely they will be, by the better angels of our nature."

A few days ago when I was in Boston upon the occasion of the presentation by Mr. Jacob H. Schiff of a building for the Semitic Museum of Harvard University, I reflected whilst looking upon Bunker Hill Monument that this great mark of American liberty might not have been erected, or its erection would have been greatly delayed, had it not been for the patriotism and philanthropy of Judah Touro. Originally it was desired to collect, in some concrete form, the deeds of men like him, which called this Society into existence.

Anyone who thinks that it is our intention to get together a body of men who would proceed to write histories, is not acquainted with the motives that actuated our founders. It was the more modest, yet absolutely necessary task we set ourselves, of bringing together facts and documents in sufficient number to enable some future historian to write the American chapter of universal Jewish history, and to indicate to the coming historian of America the part which the Jews have played in the discovery, the settlement and the development of this continent.

This Society is a voluntary association. A few persons, some twenty in number, thought as far back as 1890 that it might be useful to organize in a small way a Society for the purposes indicated above. Our conditions of ordinary membership have been, an interest in the work, and good character, and whilst we would naturally prefer to have as many historical students as possible, training in research has at no time been held as a prerequisite for admission. Our two other classes of members, honorary and corresponding, have been selected from the point of view either of eminence in work which has to do with the Society's aims, or the holding of a position which would enable the person to further the researches of our members. The business of this Society is transacted in open meeting, and through the Council at the wish of the members, and the programme of our annual meeting is open to every member, and admission to it has never been refused to non-members who signified in advance that they had a serious paper on a Jewish historical subject to contribute. I make this statement because every now and then persons not connected with this Society declare that it is managed by a clique, which only gives a hearing to its favorites.

Such complaints have not infrequently been made with regard to other affairs by persons who have stood aloof from them, and have not themselves been willing to bear the burden of the work. I am not acquainted with any more democratic

method of organizing and conducting a Society, than has been chosen by this one.

There is one difficulty not inherent in our organization, but established in our practice, which I think it important should be removed. It ought to be the rule among learned societies that they should have so much of permanence in government as to prevent sharp changes in policy, and yet couple this with a steady change in the officers of the Society, so that whilst the majority of the members of the governing body should remain the same from year to year, it should never be identical. The President should change from year to year. His principal function should be to state in an annual address his researches on some given subject or give a critical analysis of the work of the year. It is not to be expected that any one man can interestingly do this year after year. I trust that these words will be considered as representing something which is for the interest of the Society and that the members will by the next annual meeting have made up their minds as to the person they will choose to succeed the present incumbent.

I cannot but note one change in our list of officers. Mr. Mendes Cohen, of Baltimore, one of the founders and a Vice-President, has asked that he should not be re-elected in view of the fact that he is no longer able to attend the meetings, and his request has been complied with. Mr. Cohen brought to the Council of our Society his experience of many years as Corresponding Secretary of the Maryland Historical Society. His advice has at all times been wise and helpful, and it is a satisfaction to know that we may continue to count him as an interested worker.

We have reached Volume 10 of our Publications, and within the pages of these volumes I am glad to believe that there will be found much that is true and much that is useful. It would be idle to disguise the fact that actual errors have been made, and that opinions have been advanced which will not bear the test of time. Some of our earlier errors, we are

already correcting. The spelling of proper names has not always been consistent. Indeed, it is not consistent in the documents from which the writers of papers drew their information, and this inconsistency is always misleading. These difficulties could be harmonized by a good Index, without which the best collection of material will be to many a sealed book. The Society will, I know, be glad to learn that we may expect an Index of the first ten volumes done by Miss Henrietta Szold, who did that splendid Index to the Jewish Publication Society's edition of Grätz.

My own attention to American Jewish History during the past year has been almost entirely directed towards securing proper articles on American subjects for the Jewish Encyclopedia. It has been my wish and that of my colleagues on the Encyclopedia that in every case the articles on a given locality, or even the biography of a local person, should be written by some one long resident there, having access to the official documents, and a knowledge, either personally or by tradition, of local conditions. It is only in this way that local histories can be really written and that they can be relied upon for that more general history to which we look forward. Occasionally, I have been unable to carry out this policy, either because no competent person could be found, or because the competent person was unwilling to write for the Encyclopedia, or could not prepare the article within the required time. But I hope, in the main, that we shall bring together in the Encyclopedia a volume of matter which would render the writing of a history of the Jews in the United States possible, and I may say, that unless some person more competent comes forward, I shall at some not very distant time undertake this work myself.

The experience of the meeting to-day is one which requires us to consider the fact that we must set aside a longer time for our annual meeting. In several cases, papers could only be presented by title, and in almost every case it was found necessary to limit the discussion. This latter, which is in

many ways one of the most important features of the Society's meetings, should be free, and should represent definite criticisms by persons qualified to utter them. It would seem likely that at least two full days and two evening sessions might be necessary in the future, and if this proves impossible in the winter season, I should again like to suggest the possibility of meeting in the summer time and of having our first summer meeting held in the town of Newport, which contains so many interesting relics of early American Jews.

There is one other matter concerning the Society's affairs which I wish to touch upon. You will probably recall that for some four or five years, we have been discussing a place of permanent deposit for our collections. It seems that the time is ripe for securing considerable collections, if we had a place to deposit them. It has been generally agreed that the place of deposit should be in New York City, as nearly two-thirds of the members of the Society live there. I have suggested to the Board that in the new building now being erected for the Jewish Theological Seminary of America, which is a fire-proof building, space might be found for the Society's collections of books and pamphlets.

Whilst this Society was primarily organized for historical studies, it has always welcomed papers on statistical and economic themes. These two branches of investigation which have come to be specialized among our general scholars, are yet so closely related to historical study, as to render them within our purview, and I bespeak for papers in either of these fields a hearty welcome and feel sure that no separate organizations will be necessary for their cultivation.

Two years ago, or longer, a very brilliant paper was presented at one of our evening meetings, by Mr. Joseph Jacobs, urging the holding of a Jewish Historical Exhibition. The project was enthusiastically received. A Committee was appointed by this Society, and all other national societies were invited to co-operate, and agreed to do so; and yet the exhibition has not been held, and I take it will not be held in the

near future. The reasons for this indefinite postponement are very numerous and good. Shortly after the exhibition was broached, several other matters of Jewish literary and educational interest came up, which were so important and demanded so much attention from the community, that it was deemed best to give them the right of way.

It seemed to be impossible to find a proper exhibition place during the winter months which could be secured at any reasonable rate; meaning by "proper exhibition place," a hall which was ample for the exhibition purpose, well lighted, centrally located, and fire-proof. The Council, in view of these facts, thought it advisable to begin forming a permanent collection, which would serve as a nucleus of any future exhibition which might be held. A Committee has been appointed to ascertain what documents there are in public and private possession, and to endeavor later to secure the gift or deposit of originals or facsimiles, and this is probably the best solution of the whole matter.

SWITZERLAND AND AMERICAN JEWS.[1]

By Sol. M. Stroock, A. M., *New York City.*

The renewed agitation to obtain for American-Jewish citizens in Russia the rights of sojourn and establishment, has recalled an episode in American history affecting the rights of American-Jewish citizens in Switzerland, from which lessons both interesting and useful may be learned, and which may prove helpful in our future conduct of the Russian-Jewish question.

In 1850, Mr. A. Dudley Mann, American Minister to Switzerland, was charged with the duty of negotiating a treaty of commerce between the United States and the Swiss Confederation. Mr. Mann had had considerable experience in this direction, having, on behalf of the United States, as special agent, negotiated treaties with Hanover, Oldenburg, and Mecklenburg, and having been accredited to all of the German States except Prussia for the same purpose.[2]

As the result of his efforts, President Millard Fillmore, on February 13th, 1851, forwarded to the Senate of the United States, a proposed general convention between the United States and the Swiss Confederation concluded and signed at Berne, November 25th, 1850, by Mr. Mann on the part of the United States, and by Messrs. Druey and Frey-Hérosée on the part of the Swiss Confederation. At the

[1] The writer expresses his grateful appreciation of the invaluable assistance and advice so freely given to him by Mr. Max J. Kohler, in the preparation of this paper. He also acknowledges his indebtedness to Mr. Freidus of the New York Public Library (Astor Branch) for several important references.

[2] Appleton's Cyclopedia of American Biography, Vol. 4, page 190.

same time the President transmitted to the Senate a copy of the instructions under which Mr. Mann acted, together with his dispatch of November 30th, 1850, explanatory of the Articles of Convention.[1]

This treaty and the papers accompanying it were considered by the Senate in executive session. They have never been published, but I have, through the Hon. Henry M. Goldfogle, member of Congress from New York City, made efforts to procure a copy at the Department of State. We have been informed that the documents are confidential, and that the ban of secrecy imposed by the Senate has never been removed. In his message transmitting the treaty, President Fillmore objected seriously to it in the form in which it was presented. He says: "There is a decisive objection arising from the last clause in the First Article. That clause is in these words: *'On account of the tenor of the Federal Constitution of Switzerland, Christians alone are entitled to the enjoyment of the privileges guaranteed by the present Article in the Swiss Cantons. But said cantons are not prohibited from extending the same privileges to citizens of the United States of other religious persuasions.'*

"It is quite certain that neither by law, nor by treaty, nor by any other official proceeding is it competent for the Government of the United States to establish any distinction between its citizens founded on differences in religious beliefs. Any benefit or privilege conferred by law or treaty on one must be common to all, and we are not at liberty, on a question of such vital interest and plain constitutional duty, to consider whether the particular case is one in which substantial inconvenience or injustice might ensue. It is enough that an inequality would be sanctioned hostile to the institutions of the United States and inconsistent with the Constitution and the laws.

"Nor can the Government of the United States rely on the individual Cantons of Switzerland for extending the same privi-

[1] Richardson's Messages and Papers of the Presidents, Vol. 5, p. 98.

leges to other citizens of the United States as this article extends to Christians. It is indispensable not only that every privilege granted to any of the citizens of the United States should be granted to all, but also that the grant of such privilege should stand upon the same stipulation and assurance by the whole Swiss Confederation as those of other articles of the convention."

An extract from the report of Mr. Dudley Mann is found in the memorial adopted by the Israelites of Charleston, S. C., addressed to the President of the United States, September, 1857.[1]

In this memorial Mr. Mann is quoted as having written to Daniel Webster, then Secretary of State, under date of November 30th, 1850, accompanying a draft of the treaty as follows: *"Any canton can permit an Israelite to become a citizen upon the same conditions as a Christian; and consequently one hailing from the United States to establish himself and trade as though he were a native, a privilege which I am assured will never be denied."* This letter also is quoted by Mr. Fay in his "Israelite Note," page 81.[2] Further quotations from the same report of Mr. Mann are referred to in an article which appeared in the *Charleston Courier,* in September, 1857, and which is printed at length in *The Israelite,* in its issue of September 25th, 1857. In that article Mr. Cardozo, after quoting the portion of the letter above set forth, quotes further from the same letter of Mr. Mann as follows:

Indeed the existing remnant of the text is maintained more as a precautionary measure to the material well-being of the Cantons concerned than as a demonstration against certain religious tenets. It is considered a safeguard against the immense itinerant population of Alsace.

(meaning, of course, Alsatian Jews).

In an editorial published in *Sinai,* Vol. 2, 662, Dr. Ein-

[1] *Sinai*, Vol. 2, p. 683.

[2] Executive Documents, No. 76, 36th Congress, 1st Session.

horn quotes from a letter written by Henry Clay dated Washington, February 11th, 1851, in which Mr. Clay says, concerning this treaty:

> I disapprove entirely the restriction limiting certain provisions of the treaty, under the operations of which a respectable portion of our fellow-citizens would be excluded from their benefits. This is not the country nor the age in which unjust prejudices should receive any countenance.

This letter is also referred to in the Charleston Memorial of 1857, as well as a letter written by Daniel Webster, then Secretary of State, presumably to Mr. Cardozo, and which Mr. Cardozo published in his article in the *Charleston Courier*, as follows:

> Sir:—The objection against certain specialties of the Swiss Convention concerning the Israelites which you urge in your letter to me of the 25th have not escaped the attention of this Department, and I hasten to inform you that they will be laid before the Senate with the convention.

This letter is also dated Washington, February 11, 1851.

We see, therefore, that at the very outset when the treaty in its original form was presented to the Senate, it met with the criticism of the President himself, the Secretary of State, and no less distinguished a Senator than Mr. Clay. The need of some change in the form of the treaty was therefore made manifest. The Federal Constitution of Switzerland referred to in the treaty and discussed by President Fillmore in his message contained a provision (Section 41), substantially as follows:

"The Confederation guarantees to every Swiss of one of the *Christian confessions* the right of establishment."[1]

It will be observed that a plain reading of this clause does not prohibit the extension of similar privileges to non-Christians. This was pointed out by Mr. Fay in his "Israelite Note."[1]

[1] Executive Documents, No. 76, 36th Congress, 1st Session.

Under this provision the several cantons reserved to themselves the right to pass such laws, and to make such provisions regulating or prohibiting the settlement of Jews within their respective borders as they might deem fit.

The original treaty was signed at Berne, November 30th, 1850.

During the past year objection from the platform has been raised to the use of the terms "American-Jewish Citizens," "German-American Citizens" and other "hyphenated American citizens."[1] In the discussion of this paper, mindful of the eminent authorities who have so frowned upon the use of these terms, I have endeavored to employ others. I find, however, that I am quite unable to do so. A distinction was made between American citizens of Jewish birth or those professing Judaism and other American citizens. This distinction was acted upon as we shall see, always to the disadvantage of the Jew. It was demonstrated to us that while we were American citizens, our citizenship was distinctly qualified—we were and we are American-Jewish citizens, at least so far as our international rights were and are concerned. This is shown by the treaty under discussion as well as by the treaties between the United States and China and Japan.[2]

In order that we may understand the conditions existing in Switzerland at the time, affecting Jews not only of Swiss birth but also American-Jewish citizens and Jewish citizens of other countries, attention may be called to certain instances. It appears that in June, 1852, a decree of banishment against the Jews had been vigorously executed in Basle. The *Jewish Gazette* referring to this,[3] says:

> The most remarkable circumstance is that the authorities who have banished them have furnished them with the most

[1] Address delivered by Rev. Dr. Emil G. Hirsch before United Hebrew Charities, 1902; Address delivered by Rev. Dr. Stephen S. Wise, at Cooper Union, New York City, 1902.

[2] *Occident*, Vol. 18, p. 92, July 5, 1860.

[3] *Occident*, Vol. 10, p. 319.

laudatory testimonials and were compelled to designate them as moral and blameless men of unblemished character. The Supreme Tribunal of Basle expresses in its report to the Court of Appeals its regret that it was compelled to proceed with such rigor against houses in every way so honorable. The banishment had no other motive than commercial rivalry.

In an article contributed to the *Jewish Chronicle,* of London, by Dr. S. Weil, and which is reprinted in *Occident,* Vol. 10, 457, under date of October 24th, 1852, Dr. Weil says:

The more enlightened part of Basle in the rural communes formed itself into committees to protest against the edict of November 11, 1851, expelling the Jews from the two Cantons.

Dr. Weil, in his article, calls attention to the fact that of the ten thousand voters in Basle, three thousand signed the protest and asked that the Jews be permitted to remain, but the government decided otherwise and promulgated the law of November 17th, 1851, as follows:

1. No Jew, without exception, is permitted to settle, to carry on commerce, trade, or any handicraft, in the Canton (Basel-Land).

2. Any citizen who admits a Jew into his house, be it for commercial purposes, as clerk or servant, or in any other capacity, or for what other purpose soever, is liable to a fine of three hundred francs.

3. Hawking goods or with patterns, dealing in cattle, produce, leather, etc., is prohibited to any Jew, under a fine of from five to twenty francs for the first offence, and of confiscation of goods, and of the same fine for the second offence.

4. Whoever lets a wareroom, stall or house, to any Jew, during a fair, for a period exceeding six days, is liable to a fine of fifty francs for the first contravention, and of two hundred francs for the second.

This law, Dr. Weil says, was suspended for a few months because of a note sent by Louis Napoleon to the Council of the Federation in which he said,

That France will expel all Swiss citizens established in France

in case the two Cantons (Basle, City and County) should insist on carrying out this law against the Jews.

But while the negotiations were pending between France and the Central Government of Switzerland, the two Cantons carried out the law of expulsion and no further steps were taken by France.

Just at this time there was set on foot in this country a movement to procure religious toleration abroad to American citizens generally. It appears that in the Catholic countries of Europe, persecutions of American Protestants were numerous. The first movement to secure redress in this direction culminated in a resolution introduced in the House of Representatives, December 13th, 1852, by John A. Wilcox, of Mississippi.[1]

The resolution is as follows:

Whereas it has been represented by travelers in foreign countries and by missionaries preaching the gospel in foreign lands under the patronage of American benevolent societies, that American citizens owing allegiance to no other Government than to our own free Constitutional Government are compelled to submit to forms of worship while temporarily residing in or traveling through countries with whom our country has treaty stipulations, to which their reasons and consciences are solemnly opposed, therefore,

Be it Resolved, that the representatives of this Government at foreign courts be instructed to urge such amendments of all existing treaties between the United States and the other powers of the world as will secure the same liberty of religious worship to all American citizens residing under foreign flags which is guaranteed to all citizens of every nation of the whole world who reside under the flag of our Union.

Resolved, that all commissions hereafter appointed to negotiate treaties shall consider themselves instructed to secure if possible this provision in all of their treaties.

Objection was made to this as an encroachment upon the

[1] *Congressional Globe*, Vol. 26, p. 47.

powers of the Executive, and the resolution was referred to the Committee on Foreign Affairs.

Immediately following this, however, February 17th, 1853, Senator Underwood of Kentucky made a report to the Senate from the Committee on Foreign Relations. Sundry petitions praying for the adoption of measures for securing to American citizens in foreign countries the rights of religious worship had been referred to this committee. The report in full will be found in the Senate Committee Reports, 32nd Congress, 2nd session, No. 418. Mr. Underwood's Committee advised the adoption of the following resolutions:

Resolved, That it would be just and wise on the part of the Government of the United States in future treaties with foreign nations to secure, if practicable, to our citizens residing abroad the right of worshipping God freely and openly according to the dictates of their own consciences by providing that they shall not be disturbed, molested or annoyed in any manner on account of their religious belief, nor in the proper exercise of their peculiar religion, either within their own private houses or in churches, chapels or other places appointed for public worship; and that they shall be at liberty to build and maintain places of worship in convenient situations interfering in no way with or respecting the religion and customs of the country in which they reside.

Resolved, further, That it would be just and wise in our future treaties with foreign nations to secure to our citizens residing abroad the right to purchase and own burial places and to bury any of our citizens dying abroad in such places with those religious ceremonies and observances deemed appropriate by the surviving relatives and friends of the deceased.

The report and the resolutions under it were ordered printed.[1]

A long time elapsed before any action was taken upon these resolutions.[2]

[1] Reports of Committees, 32nd Congress, 2nd Session, No. 418.

[2] It is important to note that what is known as the first Gootman case,—the attempted expulsion from Chaux-de-Fonds,

All of this discussion had some effect, for the Senate refused to ratify the treaty in the form in which it was sent to it. Mr. Mann thereupon proceeded to negotiate another treaty which, while striking from it the clause objected to by President Fillmore, yet in another form inserted a clause, the effect of which was the same as that of the clause which had been stricken out.

The importance of this is seen when we recognize that the treaty so negotiated was subsequently ratified by the Senate, proclaimed by the President and is now—so far as the rights of American Jews are concerned—the existing treaty between Switzerland and the United States. The treaty was ratified November 6th, 1855, ratifications were exchanged November 8th, 1855, and the treaty was proclaimed November 9th, 1855.

Article I of this treaty is as follows:

"The citizens of the United States of America and the citizens of Switzerland, shall be admitted and treated upon a footing of reciprocal equality in the two countries, *where such admission and treatment shall not conflict with the constitutional or legal provisions, as well Federal as State and Cantonal of the contracting parties.*" (The italics are not in the original.)

This left the right of domicile to be decided by the local laws of each Canton.

Commenting upon this Mr. Leeser, in *Occident,* Vol. 12, 95, May, 1854, says:

"That if ratified it would exhibit an American citizen in a new light as invested with a peculiar religious or denomina-

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Canton of Neufchatel, of Mr. Gootman, an American-Jewish citizen, had been brought to the attention of the Department of State by the letter of Mr. Fay, October 17, 1853. (See Executive Documents, No. 76, 36th Congress, First Session.) The absolute refusal of the Swiss Cantons to accord the privilege of residence to American-Jewish citizens had been officially brought to the attention of the Department. It is hardly possible that it was unknown to Mr. Mann at the time he reopened negotiations for the treaty.

tional character before he can with safety leave the shores of his country."

Mr. Leeser called the attention of the Hon. Lewis Cass, the Senator from Michigan, to this. In the article in the *Occident* referred to, Dr. Leeser quotes from the *Richmond Daily Dispatch,* in which the writer says:

We earnestly hope that every member of the Senate of the United States who has the slightest regard for religious liberty, will give his attention to this treaty with Switzerland and unless it is amended in the feature to which we refer, unanimously vote it down.

Attention is called to the act of November 17th, 1851, in Basle, above referred to, and the writer continues:

We have the singular spectacle of a republican Senate of America on the point of accepting a treaty by which it succumbs to the invasion of the rights of conscience so flagrant that it drew forth emphatic and angry menaces from Louis Napoleon. . . . The other Swiss Cantons as well as those we have mentioned have passed exclusive and oppressive laws against the Isaelites. . . . As American citizens we indignantly protest against the ratification by the Senate of the United States of a treaty containing a provision which strikes at the very root of the religious liberty of one hundred thousand American citizens. No member of the United States Senate ought ever to be returned to that body or to be permitted again to hold any official station who is so thoroughly ignorant or regardless of the institutions of his country as to sustain by his vote the bigoted, intolerant, anti-constitutional, anti-republican provision contained in the First Article of the proposed treaty with Switzerland.

Mr. Leeser quotes a reply dated April 13th, 1854, from Mr. Cass to his letter, in which Mr. Cass says, referring to the treaty as originally presented:

The invidious distinction contained in the treaty with Switzerland between American citizens granting rights to Christians which are withheld from Jews was not ratified by the Senate; such a principle will never receive the sanction of this body. The provision was struck out and the treaty was sent

back to procure the assent of the Swiss Government to the change.

One of the most active movers in this cause was Capt. Jonas P. Levy. On February 28th, 1854, Senator Cass wrote to Capt. Levy as follows:[1]

Washington, February 28, 1854.

Dear Sir:—

I have received your letter, and I must have expressed myself very badly, if I conveyed the idea, in my remarks the other day, that the efforts of the government, to procure the rights of religious worship for our citizens abroad, should be confined to those of the Christian faith. Far from it; I desire to procure those rights for a Catholic in a Protestant country, and for a Protestant in a Catholic country, and for a Jew in all countries, and such are the views that I shall express when I come to make my remarks upon the subject. Should our fellow-citizens of your faith think it best for them to take part in this great movement, it would afford me pleasure to present any petitions they might entrust me with. I cannot advise you, but certainly I cannot see the shadow of an objection in such a course.

I am, dear sir,
Respectfully yours,
Lewis Cass.

Jonas P. Levy, Esq., New York.

Senator Cass kept his word faithfully in this regard, for in his famous speech on Religious Freedom Abroad, delivered in the Senate May 15th, 1854,[2] he says of the Underwood report:

It was no sectarian movement. It sought not merely to protect a Catholic in a Protestant country, a Protestant in a Catholic country, a Jew in a Christian country, but an American in all countries. . . . Jew or Gentile, all are equal in this land of law and liberty, and as the former suffers most illiberal persecution his case is entitled to the most commiseration.

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[1] *Occident*, Vol. 12, p. 97.

[2] Appendix to the *Congressional Globe*, New Series, Vol. 31.

In a letter of Archbishop Hughes to the editor of the *New York Freeman's Journal,* the Archbishop said:

> General Cass knows as well as any man living that until the country becomes vastly stronger and foreign States much weaker than they are, all pleadings on this subject will be treated as drivelling by foreign States. . . . But the United States will expose themselves to ridicule if they drag in such a question in their diplomatic intercourse with foreign governments.

To this General Cass replied:

> I do not mean to say that because the arrangement suits us, therefore it suits and should be adopted by all other nations. I mean to say it suits all nations and all times as the law of right implanted by the Divine Law Giver in the human breast, and whoever fails, be the guilty party prince, or people, or priest, will in vain seek to avoid the just consequence of presumptuous intolerance.[1]

Still no action was taken upon the Underwood report, and on December 21st, 1854, Mr. Cass moved that one thousand copies of the resolution and report be printed.[2]

In his speech in the Senate, delivered December 19th, 1854, Mr. Cass again called up the subject, and quoted from a speech delivered by the great Napoleon upon his coronation, in which he said, "The empire of the law ends where the undefined empire of conscience begins."

> "Neither the law nor the sovereign can do anything against this freedom. . . . They are a stern rebuke to those men—there are some in our country—who maintain that liberty of conscience is the power to think, and that human governments have the right to place themeselves between man and his Creator, and proscribe all forms of religious worship but those fixed on by themselves."

On January 10th, 1855,[3] Mr. Cass re-introduced the Under-

[1] Appendix to the *Congressional Globe*, New Series, Vol. 31.
[2] *Congressional Globe*, Vol. 30, p. 105.
[3] *Congressional Globe*, Vol. 30, p. 228.

wood resolutions and on March 1st, 1855,[1] the resolutions were adopted and thereby presumably became the settled policy of this country to be used in the adoption of future treaties.

In the meantime the American Jews had themselves not been inactive. In March, 1854, a Committee was formed to circulate a petition for presentation to the Senate of the United States. The circular and petition are as follows:[2]

Sir:— NEW YORK, *March*, 1854.

We have the honor to hand you herewith a petition to the Senate of the United States, which has been prepared for circulation and signature among our Jewish brethren. You are aware that a great effort is now making to induce despotic and illiberal governments to concede to our citizens of all denominations, visiting the countries under their sway, that full enjoyment of religious liberty which is accorded to their subjects on our soil. The importance of active and zealous participation in this effort is self-evident; and the annexed letter of General Cass to Jonas P. Levy, Esq., intimates the propriety of its receiving our support.[3] We ask your co-operation, and would urge your uniting in the expression of those sentiments of humanity and liberality which history shows we have ever cherished. Early attention is requested, as none can venture to predict how soon this matter may again come under discussion; and we recommend that you transmit the petition, with as many signatures as can be obtained, to the Senators of your State at Washington.

With assurances of regard and esteem, yours,

DAVID SAMSON,	E. M. SWART,
JACOB I. MOSES,	B. BENRIMO,
ALBERT PRIEST,	M. MYERS,
H. B. HERTS, JR.,	HENRY GOLDSMITH,
JONAS P. LEVY,	MARK LEVY,
GEO. S. MAWSON,	P. J. JOACHIMSON.

Committee.

ALEXANDER KURSHEEDT, *Chairman.*

JACOB PECARE, *Hon. Secretary.*

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[1] *Congressional Globe*, Vol. 30, p. 1032.

[2] *Occident*, Vol. 12, pp. 99-100.

[3] The letter referred to is the letter of General Cass to Capt. Jonas P. Levy, hereinbefore set forth.

To the Honorable the Senate of the United States:

The petition of the undersigned respectfully shows: that they are citizens of the United States professing the Jewish religion, and that their brethren in faith and fellow-citizens are often necessarily absent in foreign lands. That when so absent, they are in very many instances deprived of most of their civil and religious rights, while the citizens and subjects of the lands thus intolerant enjoy, under our laws, equal privileges with our citizens.

Your petitioners therefore pray, that the attention of these Governments may be directed to this want of reciprocity in the rights accorded to foreigners among us, and those extended to our citizens in other countries, and that in its wisdom it will endeavor to obtain for every American citizen abroad, of every creed, a just degree of civil and religious freedom.

And your petitioners will ever pray, etc.

This petition was duly circulated and a large number of signatures were obtained to it. On April 19th, 1854, it was presented to the Senate by Mr. Cass.[1]

In presenting this petition Mr. Cass said:

Mr. President: It affords me much pleasure to present a petition from a number of American citizens of the Hebrew faith who desire to unite with their Christian fellow-citizens in asking the interposition of the Government to secure to all our countrymen abroad the rights of religious worship. This union in order to promote the accomplishment of this great object, is an apt illustration of the spirit of equality and toleration which marks our institutions. Persecuted for centuries with bitter hostility, subjected to a tyranny, civil and religious, more oppressive than that endured by any other people, driven from the promised land granted to their forefathers, the separate existence to this date of the children of Israel is a perpetual miracle establishing the truth of their history, as well as of their religion, foretold as it was in the earliest period and seen as it still is in the latest. In their migrations they have at length reached a continent unknown to the patriarchs by whose rivers they may sit down without

[1] *Congressional Globe*, Vol. 28, Pt. 2, p. 929.

weeping in the language of their psalmist, even when remembering Zion, and where the law secures equal rights to all, be they Jew or Gentile. Exposed as the members of this persuasion yet are in portions of Europe and America, both Protestant and Catholic, to the most illiberal prejudices and to religious disabilities, the position of our citizens abroad who belong to it has peculiar claims to the consideration and interposition of the government. Beside their legal right to equal protection there is no portion of our population whose peaceable and law-abiding conduct better proves than theirs does, that they are well entitled to all the privileges secured to every American by our system of government. I repeat, sir, that I am gratified that they are taking part in this great movement and I trust that ere long they, as well as all our citizens sent by the accidents of life to foreign countries, may receive the benefits of it. I present this petition and another of similar import, and I move that they be referred to the Committee on Foreign Relations.

They were so referred.

It is therefore with considerable amazement that we find that this same treaty subsequently was ratified by the Senate and was proclaimed by the President, and after the Gootman case had been officially brought to the attention of Secretary of State Marcy.[1]

In a letter dated September 5th, 1857, written by Capt. Jonas P. Levy, and published in the *Israelite* on September 11th, 1857, Capt. Levy says:

I have been much surprised (also the Hon. Lewis Cass) at this vile treaty which was smuggled through the Senate without the knowledge of the above gentleman, our sincere friend, who I can vouch for, would never have left the floor of the Senate while this obnoxious clause existed. Nor will the Hon. Lewis Cass (Secretary of State) leave a stone unturned to abrogate these articles in the treaty, that call forth odium on the government that signed it.

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[1] Letters of Mr. Fay, American Minister to Switzerland, to Secretary of State Marcy, dated October 17, 1853, Executive Documents, No. 76, 36th Congress, First Session.

In an editorial in the *Israelite,* July 31st, 1857, Dr. I. M. Wise, says:

> In 1855, the attention of Governor Marcy, the late Secretary of State, was called to the subject by a contribution to the *Charleston Mercury,* and to this journal. We sent him copies thereof and wrote him a letter urging our objections against the article in question. The Governor's reply was that the treaty was a secret as yet, no part of which could be divulged; but that we might rest assured that nothing unjust or unfair would be done.

Concerning the same subject, Dr. Wise, in the *Israelite* of August 7th, 1857, quoting from the *Cincinnati Daily Inquirer,* says:

> In a former treaty the Jewish citizens of the United States were expressly excluded from the benefits of this treaty. . . . It is not a little remarkable that so shrewd a man as the late Governor Marcy could have been entrapped into ratifying so objectionable and unconstitutional a treaty. As it now stands it were better to have no treaty with Switzerland at all than one which violates so grossly the most valuable provisions of our Constitution.

It is also surprising in view of the great publicity and discussion given to this clause in the treaty before its adoption, to learn that President Buchanan, in October, 1857, addressing a delegation of American Israelites which appeared before him protesting against this treaty, stated

> That the treaty contained provisions violative of constitutional privileges which render it unjust; that his predecessor in office was not aware of the intention of the Swiss Government in this treaty, and had he been aware thereof would certainly not have signed it.[1]

More surprising indeed is the report of Dr. Wise of the visit of this delegation to General Cass, in October, 1857, following the visit to President Buchanan.

In the *Israelite* of November 6th, 1857, Dr. Wise says:

[1] *The Israelite,* November 6, 1857.

The General (Cass) assured us that if any one of the Senators had known the pernicious nature of the treaty it would not have passed the Senate.

Notwithstanding the fact that the treaty was passed by the Senate, on November 6th, 1855, little if any publicity was given to it until some time later. Indeed, we find that as late as August 13th, 1857, a Committee appointed by a meeting held in Baltimore wrote to Secretary of State Cass to inquire if the treaty had been ratified, and if not, to seek its disapproval.[1]

In reply they received an answer from John Appleton, Assistant Secretary of State, dated August 13th, 1857, as follows:

In compliance with your request, I enclose herewith a copy of the treaty between the United States and Switzerland which was proclaimed in 1855. It was originally concluded in 1850, but was amended with a view to avoid some objections which were made on the very subject to which you refer. In its present form, although it may not remove some difficulties with reference to those who profess the Israelitish faith, yet I do not see that it discriminates against this class of our citizens in any mode whatever. Undoubtedly in some portions of the Confederation the local laws are less liberal to Israelites than to others, and this is deeply to be regretted; but the Government of the United States has no control over the legislation of a foreign state and can only employ its influence and good offices to relieve the difficulties which such legislation may impose in any given case.

It is very difficult to understand how such a letter could have been written by an Assistant to General Cass,—the same General Cass who had made the great speech in the Senate in May, 1854, on "Religious Freedom Abroad." The reply discloses what a tremendous step backward had been taken since the original message of President Fillmore of February, 1851.

[1] *The Israelite*, September 11, 1857.

A letter in almost identical words was written by the same John Appleton, at the same time and under the same date in reply to a letter of Dr. Einhorn, concerning the Gootman case.[1]

The particular circumstance which brought the existence of this treaty to light was what is known as the second Gootman case, and concerning this, as the Charleston Memorial above referred to well expresses, the case shows how ill-informed Mr. Dudley Mann was in his letter to Daniel Webster, dated November 30th, 1850.

The references herein to the Gootman case are taken from the original records as contained in the message of President Buchanan to the House of Representatives transmitting, in compliance with resolutions of the House, information relative to discriminations in Switzerland against citizens of the United States of Hebrew persuasion, dated April 24th, 1860. With the message was transmitted a report of the Secretary of State, Mr. Cass, together with the documents by which it was accompanied. The resolutions referred to had been adopted by the House of Representatives on March 2nd, 1859, and March 26th, 1860, the former of which was introduced by Representative Vallandigham of Ohio.[2]

The resolution requested the President

> To communicate, if not incompatible with public interests, any correspondence between the United States and Switzerland, relating to that clause in the late treaty between the two countries which discriminates against the privileges of citizens of the United States holding to the Hebrew faith and worship, visiting or sojourning in Switzerland.[3]

On October 17th, 1853, Mr. Theodore Fay, American Minister to Switzerland, wrote to the Secretary of State inform-

[1] *Sinai*, Vol. 2, p. 662.

[2] *Occident*, Vol. 17, p. 11.

[3] The entire official correspondence of Mr. Fay with the State Department is printed in full in Executive Documents, No. 76, 36th Congress, First Session.

ing him that Mr. Gootman, an American citizen, had received from the authorities of Chaux-de-Fonds, Canton of Neufchatel, two successive orders to quit the country on the ground of his being an Israelite merchant. Mr. Fay addressed a note upon the subject to the Federal Council. The reason given to him for the expulsion was that Alsace, with a Jewish population said to be of a low description, contains the dread of an unwelcome immigration should the restrictions complained of be abolished.

Through the representations of Mr. Fay, Mr. Gootman was permitted to remain as late as February, 1854. At the request of Mr. Fay, the Federal Council of Neufchatel had transmitted to the Municipal Council of Chaux-de-Fonds a request that Mr. Gootman be permitted to remain there. Mr. Gootman, it appears, was permitted to remain undisturbed, although the right of domicile was not officially granted. All of this occurred before the treaty was ratified and all of it was known to the Department of State.

On April 16th, 1856, Mr. Fay wrote to Mr. Marcy that Mr. Gootman had again called upon him and that he had made efforts on behalf of Mr. Gootman. This is the second Gootman case which aroused our fellow Israelites and resulted in a great public protest.

On March 27th, 1856, Mr. Fay applied to the Federal Council of Neufchatel for permission to Mr. Gootman to remain in that canton, stating that Mr. Gootman is an American citizen against whom, *except that he is an Israelite*, there is not the least objection.[1] Accompanying this was a

[1] The italics are not in the original. They are printed here to show that at the outset, Mr. Fay was not prejudiced in favor of American-Jewish citizens. This also is seen in others of his early letters, e. g., letter of October 13, 1857, herein referred to. It is pleasing to note that after a thorough study of the question Mr. Fay's sympathies were thoroughly aroused and that the service he rendered for American Jews has been of incalculable benefit. His "Israelite Note" (as he

certificate signed by five merchants recommending Mr. Gootman as a man of exemplary probity. The Federal Council, in reply, stated that it would give to Mr. Gootman, upon the customary deposit of the necessary papers, permission to remain in the Canton, but that it could not compel any Commune to accord him residence.

Just at this time the news of the Gootman case appears to have reached this country, and at once public sentiment was aroused. In the *Israelite* of July 31st, 1857, we find an editorial by Dr. Wise calling attention to the Gootman case. Dr. Wise says:

> The gentlemen in Boston having suffered in consequence of this treaty should forthwith institute a lawsuit for damages against the United States on the ground of the unconstitutionality of that treaty. The public should support them and have the matter fairly tried before the proper tribunal.

Commencing with its issue of August 7th, 1857, the *Israelite* gave wide publicity to the treaty and its effects. On the first page of the issues of August 7th and August 14th, we find an announcement as follows:

> Agitate!
> Call meetings!
> Engage the press in your favor!!!!
> Israelites, freemen and citizens!
>
> Let not the disgrace of the treaty between the United States and Switzerland remain upon the history of our country. Do not stand the insult heaped upon the Jewish citizens by unprincipled diplomatists. Hold public meetings; give vent to your sentiments, resolve upon a proper course of action against the mean and illegitimate instrument made in violation of the Constitution of the United States. Try to win

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himself called it) is a remarkably able State Paper entitling him to rank among the most worthy of our diplomats. It is to be deeply regretted that the change of Administration in 1861 necessitated the recall of Mr. Fay and so delayed for some years the completion of the great work which he had undertaken. Besides his diplomatic activities, Mr. Fay will be remembered by posterity as one of the leaders among the literary coterie of New York of this period, and his literary powers lent

the press in favor of your cause and rest not until this outrage is blotted from the United States records. Slaves and cowards only will submit to such an outrage; we are men and must be treated as such. Decide in your meetings upon effectual measures to have your voice heard, put your resolutions in your local papers and send us a copy thereof that a concert of action be insured.

In its issue of August 14th, 1857, the *Israelite* quotes from the *Chicago Press* an article entitled "Middle-Aged Bigotry—American Government Implicated."

In the language of Mr. Webster this is a treaty "not fit to be made." It is disgraceful to the age and to the country.... The people will never sanction so disgraceful a policy and the sooner it is repudiated by the Government the better it will be for the credit of those by whom it is administered.

In August, 1857, Senator Douglass advised a deputation of Chicago Jewish citizens to present a memorial to the President of the United States.[1]

Speaking of this treaty, the *Louisville Journal* said:

This treaty is deeply disgraceful to our government. It is unjust and proscriptive.[2]

The *Chicago Daily Journal* at the same time said:

It is a deep disgrace to our Government that such an unjust and proscriptive treaty should be allowed to stand for a moment longer.[3]

The *Shelbyville Republican Banner* said:

Here we have an instance when our Government, in which the dignity of man is vindicated and acknowledged and the Declaration of Independence its fundamental doctrine, is found conspiring to exclude the Jew from enjoying the same rights and privileges with his infidel and atheistical fellow-citizens.

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peculiar force to his diplomatic correspondence. A German translation of his "Israelite note" in separate reprint, may be found on the shelves of the New York Public Library (Astor Foundation).

[1] *Israelite*, August 21, 1857. [2] *Ibid.*, August 21, 1857.
[3] *Ibid.*, August 21, 1857.

Dr. Wise, in the issue of the *Israelite,* of August 21, 1857, said:

> That there were about *sixty papers* which commented on the subject unanimously declaring the Swiss treaty unconstitutional and unjust and unbecoming the Government.

The *Occident,* also, speaking editorially in its issue of August, 1857, complains that the protest that had been made by it in 1854 had not been supported, and laments that the iniquitous treaty had received the sanction of the Senate, although Mr. Cass had assured them that it never would.

Just at this time (August 13th, 1857) there was held in Pittsburgh a meeting of both Christians and Jews to protest against the treaty. The following resolution was adopted:

> That we hold that the stipulations of this treaty in so far as the Jewish citizens are excluded from their benefits and proscribed in conflict with the spirit if not the letter of our constitution and directly antagonistic to all those suggestions of amity and courtesy which should animate national diplomatic intercourse in a Christian and enlightened age.

A Committee was appointed at this meeting consisting of John M. Kirkpatrick, A. Frauenfeld, L. Hershfield, J. G. Backofen, of the *Pittsburgh Courier,* and D. Strassburg.[1]

In the issue of the *Israelite* of August 21st, 1857, Dr. Wise quotes from the *Pittsburgh Dispatch,* the *Milwaukee Daily American,* the *Baltimore Patriot,* the *Charleston Courier* and the *Cincinnati Reporter* in opposition to the treaty.

Just at this time a liberal movement in favor of the Jews in Geneva began, and on August 16th, 1857, Mr. Isaac Hendricks wrote that

> Geneva in a spirit of liberality which does it honor has at last removed all unjust restrictions by granting full right of citizenship to the Jews and donating land for a place of worship.

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[1] *Occident,* Vol. 15, p. 291, and *The Israelite,* August 28, 1857.

He refers to a letter which he received from Mr. Weill, the President of the Synagogue, dated Geneva, July 21st, 1857, in which donations are asked for to help build the Synagogue.[1]

That all did not run smoothly becomes evident when we observe the following quotation from the *Washington Star:*

> This government had no authority whatever to demand of Switzerland in making the treaty to accord to any citizen of the United States privileges they would not enjoy under her laws were they citizens of Switzerland. Had it been insisted on we would have no treaty whatsoever with Switzerland.

Speaking of this the *Israelite,* in its issue of September 4th, 1857, says:

> That but two echoes of this opposition had been heard. They were in the *Dubuque Express* and *Herald* and an article in the *Charleston Courier* signed "A Jew."

In reply to the article of the *Star,* the *Charleston Evening News,* said:

> The point at issue is not whether this government was bound to demand of Switzerland such a treaty, but whether it was not bound to refuse to make a treaty with Switzerland or with any other country which recognized a religious distinction between one class of citizens and another. . . . It must be recollected that our institutions are public. They admit of no religious distinction in domestic legislation—why should they in treaties which are the expression of the national will in our foreign relations? . . . The *Star* seems to dwell with some complacency on the fact that "Mr. Marcy signed the Swiss treaty." The writer pertinently asks, "Why was it not concluded by Mr. Webster?"

Indignation meetings were then held in Indianapolis, which called forth comments favorable to the Hebrews from the *Daily Sentinel* and the *Daily Journal* of that city, condemning the action of our Government on the subject.[2]

An indignation meeting was held at Easton, Pa., at which resolutions were adopted and Messrs. Moses Goldsmith, Rubin Straus and S. Traugott, were appointed a standing committee.

[1] *Occident,* Vol. 15, p. 296.

[2] *The Israelite,* September 4, 1857.

In its issue of September 18th, 1857, the *Israelite* states that it had been informed that the writer of the article signed "A Jew" was a grocery keeper who had a grudge against Dr. Mayer of Charleston; and in its issue of September 25th, 1857, the *Israelite* gives the answer of Mr. J. M. Cardozo, printed in the *Charleston Courier,* containing the letters of Mr. Clay and Mr. Webster as well as the communication of Dudley Mann above referred to.

It appears that in his article "A Jew" tried to explain the statement made by Mr. Mann in his letter to Mr. Webster, to-wit: "'I am assured' that the Jews would not be prohibited from establishing in trade in Switzerland the same as though they were natives." He states it was "a mere form of speech." Mr. Cardozo calls attention to the portion of Mr. Mann's letter to Mr. Webster, in which Mr. Mann wrote that

> The remnant of the text was maintained as a precautionary measure, and was considered a safeguard against the immense itinerant population of Alsace,

(meaning, of course, none other than the Jewish population).

Mr. Cardozo also states that the attention of Mr. Mann had been directed to the dangers of the treaty after it had been sent back by our Senate, by Rabbi Nordmann, of Hegenheim.

It is interesting to note in this connection that this same Rabbi Nordmann subsequently furnished Mr. Fay with the material showing the falsity of the accusations made against the Alsatian Jews and travelled with him in Alsace in order to prove conclusively the falsity of the charge.[1]

In September, 1857, Dr. Einhorn, in *Sinai,* joined the agitation for the repeal of the Swiss Treaty.

In his letter to Mr. Appleton, the Assistant Secretary of

[1] See letters of Mr. Fay to Mr. Cass, November 30, 1858, and January 20, 1859, Executive Documents, No. 76, 36th Congress, First Session.

State, Dr. Einhorn referred to the Gootman case as practically demonstrating the injury and dishonor which the treaty inflicts. The reply of Mr. Appleton, as we have before noted, was most unsatisfactory.

The *Occident,* October 18th, 1857, in a long editorial, reviews the situation and insists that Mr. Mann must have been aware

> That the genius of the American Constitution was opposed to the exclusion of American citizens from the rights which others of his fellows enjoy . . . for the rejection of the first treaty which he negotiated was due to this very cause. . . .
>
> We really do not understand how an American diplomatist ever could lend himself to aid a European government to oppress and exclude his fellow-citizens from any privilege he enjoys, or to which he would be entitled in virtue of a treaty of commerce with a foreign country.[1]

Meetings were thereupon held in the various cities of the country.[2]

In an editorial in *Sinai,* September, 1857, Dr. Einhorn writes:

> What may American Israelites expect from Switzerland when the very first Jew hailing from the United States has been denied the privileges spoken of by Mr. Dudley Mann? . . . The words of Washington have been unheeded "against the insidious wiles of foreign influence, the jealousy of a free people ought to be constantly awake since history and experience prove that foreign influence is one of the most baneful foes of republican government."

On August 16th, 1857, Dr. Abraham B. Arnold wrote to Dr. Einhorn that a meeting had been held in Baltimore on August 16th, 1857, at which a committee was appointed to communicate upon the subject with similar committees of other cities. The committee was composed of Drs. Arnold and Winer, Philip Herzberg, L. Lauer, and S. Greensfelder.

[1] *Occident,* Vol. 15, p. 349.

[2] *Occident,* Vol. 15, p. 423.

The committee wrote that they recommended that a convention be held in Baltimore, October 26th, to proceed in a body to Washington to lay our grievance before the President.

There is good reasen to believe that the Federal Executive is inclined to do justice to his fellow-citizens of the Hebrew faith.

On October 13, 1857, Mr. Fay wrote to Mr. Cass, then Secretary of State, that he had seen in an American newspaper that there had been a meeting of Jews in the United States upon the subject of the treaty, and states that the repeal of the obnoxious clause in the treaty was impracticable without a revision of the Federal Constitution of Switzerland, and that "the real demand of the Jews, therefore, is that Switzerland shall alter her Constitution."

In its issue of October 9th, 1857, the *Israelite* issues a call to the community to take action, stating that the Swiss question has been discussed long enough, and that action, decisive action, is necessary, and prints a letter from Rabbi M. Nordmann, of Hegenheim, to the effect that the French Jews will petition the government against a treaty between France and Switzerland in which exists a clause to the same effect as the treaty with the United States.

In the issue of the *Israelite* of October 9th the call for the meeting in Baltimore was announced to take place on October 28th. From the communication of Dr. Arnold to *Sinai,* Vol. 2, page 691, the Convention was announced to be held on October 26th. This mistake in the announcement of the date of the convention proved to be very unfortunate.

In the issue of *Sinai,* November, 1857,[1] Dr. Einhorn writes that only one delegate appeared from Ohio, and one from Illinois; that the committee determined to abandon the plan because of the then existing financial depression,

[1] *Sinai,* Vol. 2, p. 729.

and to send memorials with several delegates to Washington. Dr. Einhorn then states that a few days afterwards an anonymous call appeared in the *Baltimore Sun* for a meeting in the Eden Street Synagogue, and that at this two other delegates from Ohio and Kentucky appeared. One of these evidently was Dr. Wise.

Dr. Wise, in the *Israelite* of November 6th, 1857, reports that upon arriving at Baltimore he found that there had been no delegates elected from Baltimore; that a separate convention was held and delegates elected other than those who constituted the committee which had originally issued the call for the meeting. Bitter controversy arose over this, and we have another instance of the results which follow when a house is divided against itself.

It appears, however, that a committee of these delegates did proceed to Washington and did present a memorial to President Buchanan, and that the President promised to take steps to remedy the conditions existing.

In the *Israelite* of October 31st, 1857, Dr. Wise writes that the mission was entirely successful, that the President received the delegation in the most friendly manner; that the delegates considered the question settled in their favor.

In the *Israelite* of November 13th, 1857, he gives the substance of the interview with the President which we have heretofore referred to and says that in closing the President stated:

"Gentlemen, I have given you my word and I will do it."

The report of Dr. Einhorn[1] corresponds substantially with the report of Dr. Wise, and states:

> We feel satisfied that the Israelites of the United States may feel implicit confidence in the Executive and that their rights as citizens of the United States will be zealously maintained.

[1] *Sinai*, Vol. 2, p. 753.

Dr. Wise, in the *Israelite* of November 13th, 1857, writes:

> No doubt was left in the minds of the delegates but that this matter is settled in so far as we are concerned.[1]

Dr. Einhorn and Dr. Wise recommended that no further agitation be continued after the assurances of the President that action would be taken. The delegates also recommended a like course. Mr. Leeser, however, was not so well satisfied. Commenting upon the various memorials and upon the report of the delegates, he writes:

> We cannot agree with the recommendation of the delegates, but think it, on the contrary, advisable for all the congregations, that have not yet acted, to draw up memorials, and send them to the President, to show at least that the interest in the question was not confined to the four States represented at Washington on the 31st of October.[2]

Following this there ensued a long correspondence illustrative of the old game of battledore and shuttlecock as applied to diplomatic problems. A brief resume of the correspondence, which as before noted will be found in full in Executive Documents, No. 76, 36th Congress, 1st Session, is here given.

On November 5th, 1857, Mr. Cass wrote to Mr. Fay that since the meeting of the Jews to which he referred, memorials signed by respectable Israelites, against the obnoxious clause of the treaty, had been presented to the President and that he had been directed by him to instruct Mr. Fay to use all the means in his power to effect the removal of the odious restriction complained of.

On November 25th, 1857, Mr. Fay again wrote to Mr. Cass that he had read in the *National Intelligencer* of November 2nd, that memorials had been presented to the President by the committee of the National Hebrew Convention, and that the President stated instructions upon the subject had been

[1] *Occident*, Vol. 15, p. 423. [2] *Occident*, Vol. 15, p. 435.

forwarded to his legation, but that the instructions had not been received.

Mr. Fay then states:

> I would wish carefully to avoid offering encouragement to the Hebrews. At the same time I see a certain possibility and should I be honored with instructions I shall earnestly undertake what I consider a just cause.

On December 1st, 1857, Mr. Fay wrote to Mr. Cass that he would forward next week a copy of the note which he was engaged in writing to the Federal Council on the subject of the Israelites, and stated that President Fornerod had called upon him to converse upon the subject. He wrote that the Federal Government was favorable to an abolition of all kinds of restrictions, but the Cantons were independent; that the Constitution was always there, and that any immediate change in that was out of the question.

In a letter of December 7th, 1857, Mr. Fay writes that correspondence took place in 1850, 1851 and 1852 upon the occasion of a complaint made by the French Legation in favor of the Alsatian Jews, but that the Federal Council maintained its position upon the Constitution. He further wrote that the British Minister, Mr. Gordon, called upon him and inquired what truth there was in the newspaper accounts that the United States had opened the subject; that he (Mr. Fay) read his note to Mr. Gordon and furnished him with a copy for Lord Clarendon. Mr. Fay wrote that he did not believe that he would obtain anything after the failure of the French Legation in 1852; that he would not ask for a change of the Constitution, but only a more liberal interpretation of it.

On December 3d, 1857, Mr. Fay notified the High Federal Council at Berne that he had received instructions from his Government to call the attention of the Council to the treatment occasionally applied to that portion of American citizens professing the Hebrew faith, and requested answers to the following questions:

1. The names of the Cantons in which restrictions against Israelites had not been abolished.

2. What the exact nature of that legislation is as far as it can be applied to the American Israelites.

3. If any satisfactory reason exists for refusing to thousands of highly respectable American citizens the reciprocal equality required by the spirit of our treaty, and accorded to all Swiss upon every part of the territory of the United States.

On December 21st, 1857, Mr. Fay transmitted to the Secretary of State a copy of a dispatch from Lord Clarendon to Mr. Gordon under date of December 17, 1857, in which he approved the conversation between Mr. Gordon and Mr. Fay on the subject of the present position of the Jews in Switzerland, and instructed Mr. Gordon to take such steps as might be expedient of informing the Federal Government that her Majesty's Government would learn with satisfaction that the disabilities under which the Jews are laboring in Switzerland had been modified if not entirely removed.

On January 19th, 1858, Mr. Fay wrote to Mr. Cass that he had not received any answer, and stated that Persia had recently asked Switzerland for equality for her Mohammedan subjects, and a proposed treaty had consequently fallen through; that both England and France had been refused on previous occasions. Mr. Fay seemed afraid of asking Switzerland to change her Constitution.

On March 9th, 1858, Mr. Fay wrote to Mr. Cass that Vice-President Staempfli had informed him that application had been made to the Cantonal governments for the desired information, but the answers had not arrived.

On March 26, 1858, Mr. Fay wrote that he was in communication with Mr. Gootman, who had promised to give him as far as in his power such information as he should require, and also that President Furrer had promised him a reply.

On February 13th, 1858, Mr. Fay wrote to Mr. Cass that on April 9th he had addressed the Federal Council on the

subject of a new act of intolerance by Basle Ville against an Israelite American citizen, Mr. Sigmund Muhlhauser. Mr. Muhlhauser applied for permission to reside and carry on business as an optician in Basle Ville and received for answer copy of a decree of the Executive Council to the effect that his application could not even be considered from the fact of his being an Israelite.

On April 9th, 1858, Mr. Fay wrote to the Federal Council to the effect that no answer to his questions had been received, although four months had elapsed, and calling attention to the severity of the treatment against an unoffending American citizen, Mr. Muhlhauser. He enclosed certificate of Mr. Endlich, American Consul at Basle, stating that Mr. Muhlhauser is an American citizen, and the decree of the Executive Council of Basle Ville of March 27th, 1858. Mr. Fay admits the right of the Federal Council to stand on the American Treaty and its Constitution. Mr. Fay's note is highly apologetic in tone.

On April 17th, 1858, Mr. Cass wrote to Mr. Fay that the removal of the restrictions contained in the Cantonal Laws was a matter which the President had much at heart.

On May 8th, 1858, Mr. Fay wrote to Mr. Cass that he had a long and satisfactory conversation with President Furrer, who had promised to quicken the steps of Basle in the affair of Mr. Muhlhauser.

On June 1st, 1858, Mr. Fay wrote to Mr. Cass that the answers of the twenty-two Cantons in the matter of the Israelites had been received on May 19th, accompanied by a note from the Federal Council. The note from the Federal Council informed him that instructions had been given to the Swiss Consul General in Washington to assure Mr. Cass of the uselessness of any further endeavors to procure for American Israelites the right of establishment in Switzerland, as all such demands in the future must be rejected. He further states that Mr. Muhlhauser's petition had been rejected.

On May 29th, 1858, Mr. Fay wrote to the Federal Council that he had received the answers from the Cantonal Governments on the subject of the Israelites and that he had refused to consider the correspondence at an end, and requested that he be permitted to lay before the High Federal Council certain considerations why the subject ought to be submitted to a new examination.

In the note of the Federal Council to Mr. Fay, dated May 14th, 1858, the following points are made:

1. By the treaty in consideration of the Federal Constitution Christians alone are entitled to rights and privileges of that treaty, but that notwithstanding, the Cantons shall have the right and power to extend such privileges to American citizens of any other religious belief.

2. That in most of the Cantons, Israelites who were of a respectable character, or when there was reason to believe that they would carry on their business in an honorable way, are admitted, notwithstanding the Constitution and notwithstanding the Treaty; but the answer continues that no Canton is under obligations to admit Israelites either Swiss or foreign to the right of establishment, and concludes by saying that the Federal Council has instructed its Consul General to inform the Government of the North American Free States that in future it would be useless to procure the right of establishment for any Jew in the Swiss Cantons, and that any reclamation on that point would thenceforth be rejected.

On June 19th, 1858, Mr. Fay wrote to Mr. Cass that he had received a letter from Mr. Levy, of Washington (Captain Jonas P. Levy), and requested that Mr. Levy furnish him with material in answer to the following questions:

1. How many American Israelites are there in the United States?

2. What wealth do they represent?

3. To what class of society do they belong as to professions, etc.?

4. How far are they in possession of offices of public trust?

5. If Switzerland secure to them the same equality which they find in the United States, how many would probably wish to settle in this country, and what kind of trade or professions would they be likely to practice? With other statistics upon the subject.

6. In what other countries are Israelites received as in the United States?

7. What countries have abandoned or are in the course of abandoning an illiberal policy with regard to them?

DEPARTMENT OF STATE,

WASHINGTON, *July* 10, 1858.

Sir:—

By the enclosed extract from dispatch of Mr. Fay, minister resident of the United States in Switzerland, dated the 9th ultimo, and numbered 295, you will perceive that your communication to him on the subject of American Israelites has been received, and that he still needs specific information on the subject, which it is presumed you will be able to supply.

I am, sir, your obedient servant,

LEWIS CASS.

To JONAS P. LEVY, ESQ., Washington, D. C.

[REPLY.]

WASHINGTON, *July* 12, 1858.

Sir:—

I have the honor to acknowledge receipt of your communication, dated the 10th ultimo, this date. The following are replies to his interrogatories, trusting that they will enable him to bring the subject of controversy to a close with a satisfactory result.

1. About four hundred thousand Israelites.

2. On an average with the wealthiest Christian citizens.

3. No particular class, but in all and every honorable and respectable profession.

4. They hold the highest trusts under our government: Members of Congress, Senators, Majors of the Army, and captains of the navy and merchant service, counsellors of law, and medical doctors, and aspire to the highest trust in the gift of the people of the United States.

5. Thousands of the merchants, mechanics, officers of the army and navy, and gentlemen of the liberal professions and wealth with their families.

6. Nearly every part of the world where freedom and religious liberty exist.

7. Great Britain, France, Holland, Russia, Germany, and Turkey, Spain and Portugal, are in a manner ruled and some of their highest offices filled by (secret) Israelites.

The United States contains about two hundred thousand native born Israelites. The archives of the criminal courts of the United States cannot show one case in each million of her inhabitants for murder, arson, or highway robbery, against the Israelites. Though last, not least, the Israelite never seeks to make a proselyte or to interfere with the doctrines of other sects.

Yours very respectfully,

JONAS P. LEVY.

HON. LEWIS CASS,
Secretary of State, Washington.

The answers of Captain Levy to Mr. Fay's inquiries can hardly be said to have thrown much light upon the very perplexing problem. Captain Levy did not have recourse to statistics to furnish the information requested.

On July 6, 1858, Mr. Fay wrote to Mr. Cass that the Persian Treaty had been rejected, and that the *Berner-Zeitung,* a journal under the influence of Mr. Staempfli, a leading member of the Federal Council, contained articles which attacked that clause in the Constitution and which Mr. Fay thought were precursors of a change in the tide of public opinion.

On July 10th, 1858, Mr. Fay sent to Mr. Cass copies of the replies of the twenty-two Cantons to the questions propounded to them. These replies are found in the Executive Documents above referred to, from pages 33 to 59, and are discussed in the "Israelite Note" of Mr. Fay, dated Berne, May 26th, 1859, to be found from pages 67 to 99 of the same Document.

We cannot forbear to quote from the reply of the President-Chancellor of the Canton of Schwyz, which is characteristic:

> We have the honor to answer you that in our Canton no laws are established and that none such (Hebrews) can obtain consent to the right of establishment, and therefore in our legislation on the subject nothing is to be found.

This is a bold, plain statement that in that particular Canton no Hebrews could obtain civil rights.

On October 28, 1858, Mr. Fay wrote to Mr. Cass that the *Berner-Zeitung* of October 26th printed the following paragraph:

> A Council of State of the Canton of Thurgau has just refused the right of domicile to an Israelite pleading his American citizenship. The Thurgovian Christianity must be in a very tottering state to be frightened by a son of Abraham.

In the same letter he states that he received a copy of the *Israelite* containing an article upon the Swiss restrictions against the Israelites, with an account of the visit of the editors and of other Jewish gentlemen to the State Department; that he thought it proper to show this to President Furrer, rather than it should be sent by any one else. He further states:

> I have no doubt copies of it will be communicated to the Cantonal Governments, and that a good effect will be produced, although not so good as if the language had been less strong than the argument.

Mr. Fay stated that he intended to present his note to the Federal Council and if not instructed to the contrary, undertake to impress his views personally upon the leading magistrates of the most illiberal Cantons, and wrote that "the one paragraph of the letter cited from the *Berner-Zeitung* pointing the finger of ridicule, helps our cause more than any threatening note I could write."

On November 3, 1858, Mr. Fay wrote that in some of the

Cantons there was an obstinate antipathy and angry determination against reform arising from the following causes:

1. Wounded susceptibilities in consequence of former demands of other governments, particularly the French, on the same point.

2. A complete want of acquaintance with what can be said on the other side.

3. A deep-rooted Christian prejudice.

4. An idea of danger from the Jews of Alsace, which Mr. Fay hoped to prove exaggerated, if not wholly unfounded.

On November 9th, 1858, Mr. Fay wrote to Mr. Cass:

> That the mouths of all foreign governments and preceding treaty makers have been until now closed by a plea of the Alsatian Jews. I think that after the renseignements which I am now collecting no Swiss authority will ever dare to advance that objection against us as an argument, and I am more and more of the opinion that it may become expedient to denounce our treaty until the expunction of the offensive clause.

It will thus be seen that Mr. Fay experienced a complete change of front after his investigations upon the subject.

On November 15th, 1858, Mr. Fay again wrote to Mr. Cass that he had had another interview with President Furrer in which he asked if there would be any objection to Mr. Fay lithographing or printing the correspondence in order to lay copies before each Cantonal Government. The President replied that he had no objection and he thought it might do some of them good to reconsider the matter. He said the real difficulty lay in the repugnance of the Swiss to receive the Jews of the surrounding country, who exercised in all the trades a ruinous influence. Mr. Fay told him he believed the idea was a prejudice.

On November 30th, 1858, Mr. Fay wrote that the public newspapers begin to bestow attention on the subject and enclosed a letter from Dr. Nordmann, the Rabbi of Hegenheim,

dated November 26th, 1858, offering to answer any questions Mr. Fay might put, and to accompany him on his journey through Alsace. Mr. Fay calls attention to the fact that in many of the Cantons the Israelite dead could not be buried, but the bodies were taken out of the country into Austria.

On January 20th, 1859, Mr. Fay wrote that through the reply of Rabbi Nordmann he learned that the plea of the Alsatian Jews is an absurdity and the charge of usury disproved to demonstration. Mr. Fay wrote:

> **The more I study the Israelite question the more I am inclined to believe that the time has arrived to convince the few Cantonal authorities which yet hold out that they must now fall into the general current of modern political and Christian civilization.**

In his letter of January 20th, 1859, Mr. Fay says:

> **I believe this is the first occasion where any attempt has been made to examine thoroughly the position of the Israelites in Switzerland and to discuss with impartiality and firmness the charges brought against them. I wish to proceed without precipitation, to wait until my materials are complete.**

On April 5th, 1859, Mr. Fay wrote that the Government of Schaffhausen had ratified its Israelite legislation.

On April 6th, 1859, Capt. Jonas P. Levy wrote to Secretary of State Cass complaining about the delay in relation to the treaty.[1]

On April 12th, 1859, Cass replied that negotiations were pending and "it is believed that the result of his (Mr. Fay's) efforts in their behalf will ultimately be satisfactory to the parties more immediately interested."[1]

Dr. Einhorn refers to the letter of Cass to Levy and complains that one and one-half years have passed since the memorial was presented to the President and that nothing has been accomplished.

[1] *Occident*, Vol. 17, p. 30.

Das Verfahren in dem Mortara Falle gibt uns ein doppeltes Recht mistrauisch zu sein.[1]

It is evident, therefore, that the efforts that were being made by Mr. Fay had not been made public at the time.

On June 3rd, 1859, Mr. Fay transmitted his "Israelite Note" to the Secretary of State, a full discussion of which is found in *Allgemeine Zeitung des Judenthums,* Vol. 23, 1859, pages 603-606. Upon the same day it was transmitted to the Federal Council. The "Note" bears date May 26th, 1859.

That the note of Mr. Fay had a profound effect is evidenced by the fact that it was offered for sale by the Federal Council of Switzerland. An edition in German was published at St. Gall in August, 1860.[2]

As a preface to this edition, there was printed a memorial signed "A Citizen of St. Gall," which well illustrates the salutary effect produced by Mr. Fay's "Note."

The Jews of St. Gall themselves were actively aroused by this "Note." A petition was presented by them urging the Grand Council to accord to them the privileges of citizenship.[3]

On October 6th, 1859, Mr. Fay wrote that his "Israelite Note" was rapidly circulating in a printed form in the German and French languages, and that President Staempfli had informed him that the edition was nearly exhausted. It was offered for sale by the Federal Council. He further states that the Bavarian Minister informed him that should

[1] *Sinai,* Vol. 3, p. 124, May, 1859.

[2] Denkschrift der Gesandtschaft der Vereinigten Staaten von Nordamerika gerichtet an den Schweizerischen Bundesrath, betreffend die Zulassung der Nordamerikanischen Israeliten zur Niederlassung in der Schweiz vom 26 Mai, 1859 (St. Gallen, im August, 1860).

[3] Petition of Jews of St. Gall, printed as an appendix to the same.

we succeed in Switzerland, the Israelites of Bavaria would also be emancipated, and that he had received letters from distinguished persons approving his "Note."

October 26th, 1859, Mr. Fay wrote that the newspapers had commented favorably upon it, and that the *New Zurich Gazette* contained the debate of the Grand Council of the Canton of Zurich, which by an immense majority had declared itself disposed to change the legislation against the Israelites in the interest of humanity and progress.

On October 25th, 1859, President Furrer, in a letter to Mr. Fay, commenting upon the action of the Grand Council of Zurich, wrote: "Let us hope that this example will not be without consequences."

November 1st, 1859, Mr. Fay wrote that:

> The Canton of Basle-Campagne had promptly acted upon the Israelite question. That a vote of the Grand Council showed sixteen in favor of emancipation and seventeen against it, but that the vote encourages the hope that there will be another and more successful attempt.

On December 13th, 1859, he wrote that President Staempfli told him that public opinion was with us and that in all probability the restrictions would gradually be abolished, and that he took occasion particularly to thank Mr. Fay for his manner of proceeding in the affair.

On February 10, 1860, Mr. Fay wrote:

> With regard to the Israelites there is a continued visible movement of public opinion in the right direction.

The efforts made by Mr. Fay received recognition in our own country, for we find that the *Providence Journal* offered its congratulations upon the efforts made by him.[1]

By a Washington dispatch, dated April 26th, 1860, we learn that Count Walewsky authorized the French Minister in Switzerland "to take every measure he might deem proper

[1] *Occident*, Vol. 17, p. 186, October 27, 1859.

to promote the just demands of the United States in the matter; the British Minister would co-operate, his predecessor having been instructed by Lord Clarendon to inform the Swiss Government of the sincere satisfaction with which Her Majesty's Government would learn that the disability had been modified, if not entirely removed."[1]

In the first annual report of the Executive Committee of the Board of Delegates of American Israelites, dated June 6th, 1860, the committee reported:

In consequence of the note addressed to us by the Consistoire Central des Israelites de France, to inform them of the result of the steps taken by our government to secure to its citizens of the Jewish faith the same rights under the treaty with Switzerland as are conceded to those professing Christianity, and of which we are deprived by laws existing in certain of the Swiss cantonments, Mr. Levy was requested to bring the subject to the notice of the Secretary of State with a view of obtaining such information as would enable a reply to be sent to our French brethren.

The result of this interview is contained in the following letter, the purport of which was transmitted to the President of the Consistoire Central:

WASHINGTON, *March* 24, 1860.

Sir:—

On receipt of your communication of the 29th inst. I made application to the Secretary of State, General Cass, in relation to your inquiry. He informs me that Mr. Fay, our Minister to Switzerland, had written to the department, under date of the 10th ultimo, that our case was making as favorable progress as could be expected, and that the British and French Governments, through their ambassadors, had made representations to the Swiss Government on the subject and had received the same favorable reply.

Yours truly,

JONAS P. LEVY.

To MYER S. ISAACS, ESQ., Secretary, &c.

The report of this Executive Committee further discloses that, notwithstanding the lesson of the Swiss treaty, the

[1] *Occident*, Vol. 18, p. 36, May 3, 1860.

treaties more recently entered into by this Government with the governments of China and Japan, while specially providing for American citizens professing the Christian belief protection for their worship, make no similar provision for those professing Judaism.[1]

We also learn that as late as September, 1861, although the matter had been referred in Zurich to the committee of the "Regierungsrathes," nothing had been done.

We find that little headway was made at this time. Our Civil War had begun, a change had taken place in the Administration and the attention of public men was engaged upon matters more weighty and of more commanding importance.

March 14th, 1861, Mr. Leeser, in an editorial in the *Occident,* expressed his regret that nothing has been done and wrote that he expected that nothing would be done until "Switzerland herself will render the laws harmless by repealing through her Cantonal Councils all inequality laws existing against us."[2]

September 14th, 1861, Mr. Seward, Secretary of State, wrote to Mr. Fogg, then Minister to Switzerland, as follows:

Sir:—

Among the important instructions addressed to your predecessor are those concerning the restrictions of certain of the Swiss Cantons against citizens of the United States professing Judaism—a subject which received at Mr. Fay's hands a large share of earnest attention and upon which he addressed the department repeatedly and at much length. It is very desirable that his efforts to procure the removal of the restrictions referred to, which, though not completely successful, have no doubt had much effect in smoothing the way to such a result, should be followed up by you. You will therefore, after having fully acquainted yourself with what Mr. Fay has done in the premises and with the views of the de-

[1] *Occident,* Vol. 18, p. 92, July 5, 1860.

[2] *Occident,* Vol. 18, p. 310.

partment as expressed to him in the despatches on file in the Legation, take such steps as you may deem judicious and legal to advance the benevolent object in question. It is not doubted that further proper appeals to the justice and liberality of the authorities of the several Cantons whose laws discriminate against Israelitish citizens of the United States, will result in a removal of the odious restrictions and a recognition of the just rights of those citizens.

WM. H. SEWARD,
Secretary of State.[1]

This letter of Mr. Seward's, with instructions to Mr. Fogg, was undoubtedly written by reason of the efforts of Mr. Henry I. Hart, of New York, President of the Board of American Israelites, who wrote to Mr. Seward upon the subject. Mr. Seward answered that he would send new instructions to the new Minister asking for the removal of the discriminations imposed by the Mann Treaty between American citizens of different religious persuasions, and to follow up the vigorous efforts made by Mr. Fay.[2]

We learn nothing of Mr. Fogg's efforts, if any, in this direction, except by a despatch forwarded by him to Mr. Seward, dated Berne, April 16, 1864:[2]

Sir:—

I have the satisfaction of informing you that at length the Swiss Government have given me the assurance of their readiness to so far modify their present treaty stipulations with the United States as to concede and guarantee general and equal rights and protection to all citizens of the United States without distinction of religious creed, travelling, sojourning or doing business in Switzerland. These, you are aware, they have heretofore held themselves not bound to do, by reason of the provisions contained in the first article of the treaty negotiated by Mr. Dudley Mann, which proviso subordinates the general scope of the treaty to the constitutional or legislative provisions, as well Federal as state and Cantonal, of the contracting parties. Under this sweeping

[1] Diplomatic Correspondence, 1864, Vol. 4, p. 392.
[2] *Occident*, Vol. 19, p. 322.

reservation, inserted, doubtless, with specific reference to South Carolina's theory of State sovereignty and no rights to freed negroes, a few of the small Swiss cantonments have refused to recognize the application of the treaty to such American citizens as did not profess the Christian religion, and especially to such as adhere to the Jewish faith. The consequences have been reclamations and complaints preferred to the Legation here and by the Legation communicated to the Federal Council, to all of which the Federal Council, while regretting the illiberal legislation of those cantons, feel obliged to point to the provisions in the treaty and to content themselves, after the manner of the successor of St. Peter, with a non possumus. In a conversation, however, held to-day with the President of the Confederation, Mr. Dubs, he informs me that the Federal Council are now disposed to so amend the treaty that no discrimination founded on religious belief shall hereafter be made or endured by citizens of the United States within the limits of the Swiss Confederation.

GEORGE G. FOGG.[1]

In the meantime the reform was working from within. The Swiss Cantons themselves commenced to do away with many of their illiberal laws.

In 1862, Argovia (Aargau) sought to emancipate the Jews. A decree to this effect was signed May 15th, 1862.[2] The law was to have become operative July 1st, 1862, but dissatis-

[1] The statement of Mr. Fogg that the clause in the treaty reserving to the respective States and Cantons the right to restrict the privileges of settlement, &c., within their respective borders, was inserted "with specific reference to South Carolina's theory of State Sovereignty and no rights to freed negroes," is novel and must be taken cum grano salis. Certainly nothing in the history of the treaty justifies such statement. Mr. Fogg was probably impressed with the spirit of the times, which attributed all of our national ills to the secessionists and their doctrines.

[2] "Die Rechte Stellung, der Juden in Kanton Aargau," von Dr. Ernst H. Aller, Aargau, 1901, in *Zeitschrift für Schweizerisches Recht*, Band II, 3, Abteilung, S. 104, ff.; *Occident*, Vol. 20, p. 333.

faction having become general throughout the Canton, the law was repealed by a referendum.[1]

The emancipation in Aargau was due largely to the efforts of Dr. Kayserling, the author of several works concerning the Jews in Switzerland, and who had taken an active part in the entire controversy.[2]

About this time a peculiar incident occurred. It appears that Mr. Bernays, an American Jew, was appointed United States Consul to Zurich. Concerning this, Dr. Einhorn remarks:[3]

> A consul of Jewish extraction is such an unheard-of thing in Switzerland that Mr. Bernays met with great difficulty in Zurich before he received his credentials. Several Swiss citizens residing in Illinois protested against his confirmation, first, because he was a Jew, and second, because as editor of the *Anzeiger* he had repeatedly made uncomplimentary remarks about Switzerland in his paper. The General Council allowed itself to be imposed upon and hesitated in delivering the credentials. This attracted attention and was discussed in the different papers, until the Executives became ashamed of the scandal and did that which they should have done in the beginning, namely, recognized Mr. Bernays in the position to which he had been appointed by the United States.

In his article in "The Jewish Encyclopedia," "Aargau," Dr. Moritz Kayserling writes:

> The Federal authorities in July, 1863, granted the Swiss Jews the fullest rights of citizens, a result due largely to the efforts of the Swiss-Jewish "Kulturverein" (Culture Society), founded in 1862 and dissolved after an existence of twenty years.

Without seeking to question a statement of fact made by so distinguished an authority as Dr. Kayserling, the statement so made appears to be quite in conflict with the official letter of Mr. Fogg, United States Minister to Switzerland, dated

[1] The Jewish Encyclopedia, Vol. 1, p. 2. Title "Aargau," Dr. Moritz Kayserling.

[2] *Occident*, Vol. 20, p. 384, November, 1862.

[3] *Sinai*, Vol. 5, p. 315, November, 1861.

April 16th, 1864, and which we have above set forth. From that letter it appears that the fullest rights of citizenship had not been granted to the Jews at that time by the Federal Council; in fact, no rights whatsoever had been so granted—nothing but the old, old story of promises unfulfilled. In his own article, Dr. Kayserling shows that it was not until May 15th, 1877, that a resolution of the "Grosser Rath" of Aargau granted citizens-rights to the members of the Jewish communities of Endingen and Lengnau, giving them charters under the names of New Endingen and New Lengnau.

The leaven kept on working. In an editorial in the *Occident,* Mr. Leeser says:[1]

> At length we think it safe to announce that the Swiss have yielded their prejudices and declared the full emancipation of those who profess our religion. Their number is ridiculously small. It was not against this handful that the Swiss contended so much as against the apprehended conquest of their territory by some French Jews, who again, all told, are scarcely ten thousand strong. This is prejudice in its fullest extent. But it has been overcome at last, and we are grateful that our magazine has done its share at the proper season to call the attention of the Senate of the United States at the time the infamous Swiss Treaty was up for confirmation, to the injury done to American Israelites. . . . The efforts we then made, with the aid of others, proved fruitless, but the agitation commenced, and it had brought out Mr. T. S. Fay, the American Minister, to remonstrate with the Swiss Government on its folly and injustice. Holland next spoke. France thereupon acted, and now the work is done. Had the first step not been taken here, it is likely that neither American nor European governments would have troubled themselves about us. Those who wish to be free must themselves strike the blow. Let us be grateful that it has been done and that one more land is open to the wandering sons of Israel.

Some years later, in February, 1868, Mr. Leeser wrote that the Swiss Government published the replies of the Cantons

[1] *Occident,* Vol. 24, p. 24, August, 1866.

concerning the restrictions of the Jews. From that it appeared that all restrictions against the Jews had been repealed in the Cantons of Berne, Schwyz, Basle, Solomur, Schaffhausen, St. Gallen, Graubauden, Aargau, Tessa, Waadt, Walla, Neuenberg, and Geneva.[1]

In Basle itself, which was the hotbed of opposition and prejudice against the Jews, since 1862 residence has been freely accorded to them, and in 1872 full civil rights were granted to them.[2] The Swiss Constitution adopted soon afterward, in 1874, established religious liberty, and made the question of treatment of aliens, a federal, as distinguished from a cantonal matter. See Articles 49 and 50 of the Swiss Constitution, with which compare Articles 44 and 47 (Constitution of Republic of Switzerland, translated by Edmund J. James, reprinted in "Foreign Constitutions," being Vol. III, Part II, of the Convention Manual of the New York Constitutional Convention, 1894, pp. 392-4).

NOTE.—Certain documentary materials relating to the foregoing paper have been filed among the archives of the American Jewish Historical Society, as follows:

A.—Report of the Underwood Committee to the United States Senate on Religious Liberty Abroad.

B.—Synopsis of "Israelite Note" of Mr. Fay, United States Minister to Switzerland.

C.—Translation from the German of Memorial prefaced to Mr. Fay's "Israelite Note" in the German edition thereof.

D.—Petition of Jewish citizens of St. Gall to the Grosser Rath of the Canton of St. Gall, printed with Mr. Fay's "Israelite Note" in the German edition thereof.

E.—Editorial in *Occident*, Vol. 15, page 349, urging action to repeal the treaty.

F.—Reports of meetings held in various cities of the United States protesting against the treaty and urging its repeal.

G.—Memorial adopted by the National Convention held at Baltimore and report of the delegates.

H.—The treaty.

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[1] *Occident*, Vol. 25, p. 629.

[2] The Jewish Encyclopedia, Vol. 2, p. 568, Title "Basle," Dr. Moritz Kayserling.

PHASES IN THE HISTORY OF RELIGIOUS LIBERTY IN AMERICA, WITH SPECIAL REFERENCE TO THE JEWS.

By Max J. Kohler, A. M., LL. B., *New York City.*[1]

(a) The Virginia Act Establishing Religious Liberty and the Emancipation of the Jews of Europe.

I.

In the course of his very forcible and persuasive, but overdrawn, sketch of "The General Situation of the Jews," presented at the first Basle Zionist Congress, Max Nordau gave expression to some very interesting observations on the emancipation of the Jews in Western Europe. He said: "The history of Jewish emancipation is one of the most remarkable pages in the history of European thought. The emancipation of the Jews was not the consequence of the conviction that grave injury had been done to a race, that it had been treated most terribly, and that it was time to atone for the injustice of a thousand years; it was solely the result of the geometrical mode of thought of French rationalism of the eighteenth century. The rationalism was constructed by the aid of pure logic, without taking into account living sentiments and the principles of the certainty of mathematical action; and it insisted upon trying to introduce these creations of pure intellect into the world of reality. The emancipation of the Jews was an automatic application of the rationalistic method. The philosophy of Rousseau and the Encyclopædists had led to the declaration of human rights. Out of this declaration the strict logic of the men of the Great Revolution deduced Jewish emancipation. They formulated a regular equation: every man is born with certain rights; the Jews are human beings, consequently the Jews

[1] Submitted at the Sixth Annual Meeting of the Society, Dec. 29-30, 1897.

are born to all the rights of man. In this manner the emancipation of the Jews was pronounced, not through a fraternal feeling for the Jews, but because logic demanded it. Popular sentiment rebelled, but the philosophy of the Revolution decreed that principles must be placed higher than sentiments. Allow me an expression which implies no ingratitude: 'The men of 1792 emancipated us only for the sake of principle.'" In a very suggestive paragraph following this one, Dr. Nordau then pointed out how the rest of civilized Europe (except England) merely followed suit, "because leading spirits had accepted a certain cultured idea which required that Jewish emancipation should figure also in the Statute Book." It is my purpose herein to show that this view of Dr. Nordau's is tinged with error, in that it ignores the very strong influence which the laws granting religious liberty to the Jews in America exerted upon France, both as in part supplying the ideas and forces which led to the emancipation of the Jews in Europe, and as affording strong precedents and practical and beneficial examples for such emancipation, to say nothing of its ignoring the evolution of Jewish emancipation in France, which had gradually progressed during the course of years, till it had reached the stage at which it stood when the French Revolution began, and also ignores the recognition of Jewish patriotism and virtue and the concessions avowedly made to the value of the Jews, due to a recognition of their importance to French commerce.[1] The very

[1] In a petition presented by the Paris "Commune" to the National Assembly on behalf of the Jews, dated February 24, 1790, one of these factors is thus emphasized: "to make commerce flourish again, to let enormous wealth flow to our country by drawing Jews hither from the different countries; this race can greatly contribute to healing the wounds which the revocation of the edict of Nantes inflicted upon our country, a wound whose scar is to-day even not yet removed." (From article by Dr. F. Rosenberg, "*Die Judenfrage in Paris vor 100 Jahren*," Allgemeine Zeitung des Judenthums, Vol. 63 (1899). pp. 67-9, 79-81, based upon Larroux's "Actes de la Commune de Paris Pendant la Revolution.")

strong influence which America exerted in bringing about Jewish emancipation in Europe is a factor which has been wholly overlooked by the European historian, Jewish as well as Christian.

It will be remembered that America exerted a strong influence on the French Revolutionary movement in general. The interest and sympathy shown by France in the American struggle for liberty caused the French nation to follow with warm and appreciative interest the American struggle in all its phases. France's interest did not stop here, but Lafayette, Rochambeau, Chastellux, Condorcet, and the French army which had aided us in our struggle, carried home with them American ideas. Lafayette and Thomas Paine became, it will be remembered, active in the French Revolutionary movement, while many other leaders in the cause, particularly Mirabeau, were deeply influenced by America's great thinkers. Moreover, Thomas Jefferson was repeatedly consulted by the popular leaders in France, and his influence on the movement was very great in its early stages.[1] We are therefore prepared *a priori* to find that France adopted some American precedents, which were the results in our own country of an evolution and a struggle running back many decades, and which culminated in the Jews' acquisition of all the rights of man.

How far France was indebted to the life and writings of such German thinkers as Mendelssohn and Dohm, in enfranchising the Jews, is a point which we need not consider here. Nor need we here do more than admit that, logically, Jewish emancipation is a necessary result, as Nordau contends, from the teachings of Rousseau, Montesquieu, Turgot,

[1] See Andrew D. White's *Outlines of Lectures on History* (*Part III, France*), Cornell, 1883, and *America and France*, by Lewis Rosenthal (N. Y., 1882), for a more detailed account of this influence. To these should now (1903) be added: Bourne: "American Constitutional Precedents in the French National Assembly," (Am. Hist. Review, Vol. VIII, April, 1903), p. 466.

and even of Voltaire, in spite of his anti-Semitism. The fact remains that precedents are of the greatest importance and influence in political life, and that was the case even in the great cataclysm of the French Revolution. The fact, then, that the Jews had achieved emancipation in the country of France's young ally, that this was brought about with the support of America's great thinkers and statesmen after long deliberation, gradual development and practical experiment, and that the results were beneficial, were arguments that must have appealed most strongly to the popular leaders of France in the Revolutionary struggle. It is interesting to notice that the most distinguished of the zealous advocates of Jewish emancipation among the French leaders, Mirabeau, emphasized this very fact in his work, published in 1787, "Sur Moses Mendelssohn et sur la Réforme Politique des Juifs," in a passage in which he called attention to the remarkable fact that Mendelssohn argued for toleration for the Jews in almost literally the same language as was contained in the Virginia Act for Religious Liberty, passed in 1785.[1]

The movement for Jewish emancipation in France was carried into the active political arena in August, 1789, when, after considerable discussion, participated in by Mirabeau, Rabaut de Saint Etienne, l'Abbé Grégoire, etc.,—in some of the addresses express reference being made to the Jews,—it was resolved by the National Assembly: "That no one shall be molested on account of his religious opinions, in so far as their outward expression does not disturb public order as established by law."

In September, 1789, l'Abbé Grégoire, the Count Clermont

[1] *Sur Moses Mendelssohn et sur la Réforme Politique des Juifs*, Leipzig edition, 1853, p. 28. Note a recognition of German Jewish influences upon Mirabeau and his personal intimacy with German Jews including his frequenting the salon of Henrietta Herz in Berlin, some years before the French Revolution. (*Welschinger: La Mission Secrète de Mirabeau à Berlin 1786-7*, especially pp. 18-21).

Tonnerre and other friends of the Jews, again fought for a more specific declaration in their favor; a partial victory was achieved the next year, but it was not until September 28th, 1791, a few days before the dissolution of the National Assembly, that a law, introduced by Duport, was enacted, which abrogated all exceptional regulations against the Jews and admitted them to citizenship.[1] Of course, the active participation of French Jews in the Revolutionary movement was a strong argument, frequently utilized, in favor of granting them full rights, and some of the French leaders, like l'Abbé Grégoire, were influenced by familiarity with and appreciation and love for the Jews. But we are more interested herein in calling attention to the arguments made in the course of this struggle, based on American Jewish emancipation. In the course of a "Petition" in favor of their own emancipation, addressed by the French Jews to the National Assembly[2] on January 29th, 1790, they said: "The word *toleration*, which, after so many centuries and so many acts of intolerance, appeared to be a word full of humanity and reason, is no longer suitable to a nation that wishes to firmly place

[1] See Graetz: "Geschichte der Juden," Vol. XI; Leroy Beaulieu: "Israel among the Nations," translated by Francis Hellman, p. 2, *note;* Staatslexikon von Von Rotteck u. Welker: Vol. VIII, p. 695, "Judenschutz u. Judenabgabe," by Bopp; also V, "Emancipation der Juden."

Kahn: Les Juifs à Paris Depuis le VI Siècle.

Kahn: "Les Juifs de Paris Pendant la Revolution;" Welschinger: La Mission Secrète de Mirabeau à Berlin 1786-7. To which should now (1903) be added the very interesting article written by Dr. Felix Rosenberg in "Allgemeine Zeitung des Judenthums," Vol. 63 (1899), pp. 67-9, 79-81, entitled "*Die Judenfrage in Paris vor 100 Jahren*," based upon the "Actes de la Commune de Paris Pendant la Revolution," edited by Larroux, showing how actively the municipal authorities of Paris aided Jewish emancipation; also "Jewish Encyclopedia," Vol. V, "France."

[2] Rosenthal: *America and France*, page 206, quoting Recueil de Pièces. Bibliothèque Sainte Geneviève, Paris, No. L, 95-757.

its rights upon the eternal foundations of justice. America, to which politics will owe so many useful lessons, has rejected the word from its code, as a term tending to compromise individual liberty and to sacrifice certain classes of men to other classes. To tolerate is, in fact, to suffer that which you could, if you wished, prevent and prohibit."

Rabaut de Saint Etienne, in 1789, had said: "It is not toleration that I claim. That word implies an idea of compassion that degrades man. I demand equal freedom for all. Gentlemen will perhaps tell you and show you how the nations that surround us make an exception of those who do not profess the religion of the majority. O nation of France, you are not made to receive an example, but to give it! If, however, you wish to imitate, imitate the Pennsylvanians. They make exception of nobody. Man, whatever his religious belief, has the right of enjoying all the sacred privileges that belong to mankind."

Some years before, the Virginia Act for Religious Liberty which Mirabeau and the French Jews referred to, had been widely disseminated throughout France by its author, Thomas Jefferson. In a letter to Madison, written December 16, 1786, Jefferson said: "The Virginia Act for religious freedom has been received with infinite approbation in Europe, and propagated with enthusiasm. I do not mean by the governments, but by the individuals which compose them. It has been translated into French and Italian, has been sent to most of the courts of Europe, and has been the best evidence of the falsehood of those reports which stated us to be in anarchy. It is inserted in the new Encyclopædie, and is appearing in most of the publications respecting America. In fact, it is comfortable to see the standard of reason at length erected, after so many ages during which the human mind has been held in vassalage by kings, priests and nobles; and it is honorable for us to have produced the first legislature

who had the courage to declare that the reason of man may be trusted with the formation of his own opinions."[1]

II.

Let us then consider this Virginia Declaration for Religious Liberty, its relations to the Virginia Jews and the

[1] *Gay's Life of James Madison* (Am. Statesmen Series), pp. 68-69, and Ford's *Writings of Jefferson*, Vol. IV, p. 334. Compare with this, the following beautiful passage from David Dudley Field's "American Progress in Jurisprudence," a paper prepared by request for the Columbian Exposition in Chicago, on this general subject-matter:

"In the category of these individual rights I conceive that the greatest achievement ever made in the cause of human progress is the total and final separation of the state from the church. If we had nothing else to boast of, we could claim with justice that first among the nations, we, of this country, made it an article of organic law that the relations between man and his maker were a private concern into which other men had no right to intrude. To measure the stride thus made for the emancipation of the race, we have only to look back over the centuries that have gone before us, and recall the dreadful persecutions in the name of religion which have filled the world with horror. Think of Torquemada in Spain; the martyrs suffering at the stake or in prison in many another land; the exiles driven from France by the revocation of the edict of Nantes; the 'slaughtered saints, whose bones lay scattered on the Alpine mountains cold.' Amid all our shortcomings, it will remain forever to the glory of these states that they allow no man to step between his fellow-man and his maker. Clouds and darkness do indeed often seem to cover the land; but there is one rift in the clouds through which, to the mind's eye at least, the daylight will shine as long as the world lasts. This nation may be torn into fragments, or other races may occupy the land in some era far away, but the fact will still remain that there was a nation of free men on this continent which first rent the shackles that priestly domination had been forging for centuries, and solemnly decreed that no man should dare intercept the radiance of the Almighty upon the human soul." See also Simeon E. Baldwin's "Modern Political Institutions," pp. 15-25, 246-7.

influences which secured its passage. Its importance in influencing France has been already indicated. Its importance in American history can be best appreciated by the fact that the Supreme Court of the United States, in the leading case of Reynolds vs. United States,[1] involving the anti-Mormon crusade, turned to it for a definition of religious liberty and recognized the fact that the struggle for absolute religious liberty in America was there fought out and ultimately decided in favor of the American doctrine. Thus far, however, the student of Jewish history does not appear to have noticed that this Virginia Act of Toleration was not passed until after a measure which would have curtailed the rights of the Jews had been defeated, after a long and bitter struggle, and that in the course of this struggle, its bearings on the Jews were specifically referred to.

In the same year that the Declaration of Independence was adopted upon Virginia's motion, a Convention met in that State to draft a Constitution for that Commonwealth. The Declaration of Rights reported by a committee of which Colonel Mason was chairman, contained a provision relative to religious liberty, whose authorship, correctly or incorrectly, Patrick Henry's biographer attributes to him.[2] This provided that all men should enjoy the fullest *toleration* in the exercise of religion. Madison vehemently opposed the use of the word toleration, taken from English history and philosophical writings, and recognizing liberty of worship not of

[1] 98 U. S. 145.

[2] *The Part Taken by Virginia under the Leadership of Patrick Henry in Establishing Religious Liberty*, by Wm. Wirt Henry, Am. Hist. Association Papers, Vol. II. Stille: *Religious Liberty in Virginia and Patrick Henry*, Ib., Vol. III. W. W. Henry: *A Reply to Dr. Stille*, Ib. *Patrick Henry, Life, Correspondence and Speeches*, by W. W. Henry. Rives' *Life and Times of James Madison. Jefferson's Autobiography.* Morse's *Life of Thomas Jefferson.* Hawks' *Contributions to the Ecclesiastical History of the United States* (Vol. I, Virginia); Conway's "Edmund Randolph," pp. 156-166; Rowland's "George Mason."

right, but of grace to dissenting denominations, and at his instance the provision was amended to read that "all men are equally entitled to the free exercise of religion, according to the dictates of conscience." This is the origin of the opposition to the word *toleration,* instances of which have already been cited. The annual assessments which had been theretofore levied in favor of the Episcopal Church were suspended from year to year, until, at Jefferson's instance, the grant was defeated in 1779. In that year Jefferson introduced a measure of positive legislation entitled "A bill for establishing religious freedom," but after two readings it was sent throughout the State to secure the sense of the people relative to it before taking final action at the next legislature. It was permitted to languish unacted upon for several years, when it was taken up under circumstances presently to be considered. Meanwhile the inadequate support of the churches, after the Episcopalians found their governmental support cut off, stirred them up against the total separation of Church and State, and the growth of free thought, due largely to French influences, also largely to the revolutionary tendencies of our own struggle for independence, became a matter which many adherents of other sects also thought it advisable to check by legislation.[1] In and about 1784 we find various measures suggested, looking to establishing Christianity in Virginia instead of any single Christian sect, as before the Revolution, and for securing governmental support to all Christian sects. The theory of these advocates was, that while there should be no actual persecution of non-Christian sects, the State ought to establish Christianity as the religion of the great majority of the people, and that the Revolution had evolved merely the principle that no single Christian sect should be preferred over any other Christian sect. Curiously enough we find Judge Story expounding

[1] Compare Julius F. Sachse's paper "The Religious and Social Conditions of Philadelphia, 1790-1800." Also Hazen: "Contemporary American Opinion of the French Revolution," pp 266-272.

similar views about half a century later. Patrick Henry was the leader in this movement, and at first he is said to have had the support of men like Richard Henry Lee and John Marshall. Jefferson was then in France, but, as was to be expected, his spirit and influence were exerted against the movement, the principal active opponent on hand having been his disciple, James Madison. On November 11th, 1784, a resolution drafted by Henry, was reported to the House, providing that "the people of the Commonwealth according to their respective abilities ought to pay a moderate tax or contribution for the support of the Christian religion, or of some Christian church, denomination or communion of Christians, or of some form of Christian worship." In spite of Madison's opposition, this was adopted by the House by a vote of 47 to 32, and a special committee, of which Mr. Henry was chairman, was appointed to draft such a bill.

It requires no exposition or explanation to show that this would have been a decided infringement on the principles of religious liberty as we understand them to-day, and would have been a marked governmental discrimination against the Jews. Unfortunately, intense as was the struggle that we are now considering, which was carried on not merely in the legislature, but throughout the State by scores of voluminous petitions, by arguments, addresses and pamphlets, but little on the subject has been handed down to us. That it was clearly understood, however, at the time that this measure was intended to curtail the rights of Jewish and other non-Christian residents, appears unmistakably from a letter, hitherto unpublished, which was written on November 26th, 1784, by Beverley Randolph to James Monroe, and which is contained in the "Monroe Papers" in Washington.[1] In this let-

[1] A copy of this letter has been kindly made for me by Mr. S. M. Hamilton, of the Department of State. My thanks are due to him and to Dr. Herbert Friedenwald for this copy. See also now (1903) G. Hunt's "James Madison and Religious Liberty"

ter Randolph says: "The only great Point, that has been discuss'd since the sitting of the Assembly, has been a motion for a general assessment, upon more contracted grounds that I could ever have expected. The Generals on the opposite sides, were Henry and Madison. The former advocated with his usual art, the establishment of the Christian Religion in exclusion of all other Denominations. By this I mean that Turks, Jews and Infidels were to contribute to the support of a Religion whose Truth they did not acknowledge. Madison displayed great learning and Ingenuity, with all the powers of a close reasoner; but was unsuccessful in the event, having a majority of 17 against him. I am, however, inclined to think that the measure will not be adopted, as no Bill has as yet been brought forward. The supporters of this holy system will certainly split whenever they come to enter upon the minute arrangements of the Business."

Writing to Monroe at this time, November 14th, 1784, Madison says: "The principal attention of the House has been and is still occupied with a scheme for a general assessment; 47 have carried it against 32. In its present form, it excludes all but Christian sects."[1] He wrote a similar letter to Jefferson.

(Am. Hist. Ass. Report for 1901), Vol. I, 165, 171, who quotes the following very suggestive letter written by M. M. Noah to Madison from New York, May, 1818, after the latter's retirement from the Presidency: "I ought not to conceal from you that it affords me sincere pleasure to have an opportunity of saying that *to your efforts and those of your illustrious colleagues in the convention* the Jews in the United States owe many of the blessings which they now enjoy, and *the benefit of this liberal and just example has been felt very generally abroad and has created a sincere attachment towards this country on the part of foreign Jews.*" (Compare for identification the writer of this letter); Calendar of the Correspondence of James Madison (Bulletin of the Bureau of Rolls and Library of the Department of State, No. 4), p. 557.

[1] Hunt's Madison's "Writings," II, 90, see also pp. 38-9, 58-9, 94-97, 183-191, 205, 208-209, 212-214.

On December 3rd, 1784, the committee reported its bill, entitled, "A bill establishing a provision for teachers of the Christian religion," and it was further amended, but without materially changing its obnoxious features. In spite of vehement opposition, it passed its second reading, but the next day, December 24th, 1784, Madison was able to secure the passage, by a vote of 45 to 38, of a resolution postponing the third reading till the following November, and copies of the bill, with the ayes and noes on postponement, were ordered to be printed and distributed in every county of the Commonwealth and the people were requested to "signify their opinion respecting the adoption of such a measure to the next session of the legislature." A very active and thorough discussion of the bill followed throughout the State, and representatives in many counties were set aside for having favored it. Madison, at the instance of Colonel Mason, George Nicholas and others, prepared a very able "Memorial and Remonstrance"[1] against the bill, which was very extensively circulated and signed.

In the course of this "Memorial" it was said: "Who does not see that the same authority which can establish Christianity to the exclusion of all other religions may establish, with the same ease, any particular sect of Christians in exclusion of all other sects? That the same authority which can force a citizen to contribute three pence only of his property for the support of any one establishment may force him to conform to any other establishment, in all cases whatsoever. . . . The proposed establishment is a departure from that generous policy, which, offering an asylum to the persecuted and oppressed of every nation and religion, promised a lustre to our country and an accession to the number of its citizens. What a melancholy work is the bill of sudden degeneracy! Instead of holding forth an asylum to the persecuted, it is itself a signal of persecution. It degrades from the equal

[1] Rives: *Life and Times of Madison*, I, pp. 634-640.

rank of citizens all those whose opinions in religion do not bend to those of the legislative authority. Distant as it may be, in its present form, from the Inquisition, it differs from it only in degree. The one is the first step, the other the last, in the career of intolerance. The magnanimous sufferer under this cruel scourge, in foreign regions, must view the bill as a beacon on our coast, warning him to seek some other haven, where liberty and philanthropy, in their due extent, may offer a more certain repose from his troubles. . . . It will have a like tendency to banish our citizens. The allurements presented by other situations are every day thinning their number. To superadd a fresh motive to emigration, by revoking the liberty which they now enjoy, would be the same species of folly which has dishonored and depopulated flourishing kingdoms."

Madison had made no mistake in suggesting this appeal to the people. As his biographer[1] says: "When the Assembly met in October, the table of the House of Delegates almost sunk under the weight of the accumulated copies of the memorial sent forward from the different counties, each with its long and dense columns of subscribers. The fate of the assessment was sealed. The manifestation of the public judgment was too unequivocal and overwhelming to leave the faintest hope to the friends of the measure. It was abandoned without a struggle. Under cover of this signal victory won before the people by the irresistible voice of truth, the declaratory act for the 'establishment of religious liberty,'[2] which had been drawn by Mr. Jefferson as one of the committee of revisors, and presented to the legislature in 1779, with the rest of the revised bills, was taken up and passed into a law. The 'Memorial & Remonstrance' had cleared

[1] Rives, Vol. I, p. 632.

[2] The text of this law may be found in Ford's *Writings* of *Jefferson*, Vol. II, p. 237; *Revised Code of Virginia*, Vol. I, p. 41; Hawks, *supra*, pp. 175-177.

away every obstruction, and so smoothed the ground before it that its passage became a matter of course."

It is unnecessary for our purpose to set forth at length the text of this Act; suffice it that it is an exposition of what we proudly cherish and proclaim as the American principle of absolute religious liberty. Extremely suggestive in this connection is the following paragraph from Jefferson's Autobiography:[1] "The bill for establishing religious freedom, the principles of which had, to a certain degree, been enacted before, I had drawn in all the latitude of reason and right. It still met with opposition; but, with some mutilations in the preamble, it was finally passed; and a singular proposition proved that its protection of opinion was meant to be universal. Where the preamble declares that coercion is a departure from the plan of the holy author of our religion, an amendment was proposed, by inserting the words 'Jesus Christ,' so that it should read, 'a departure from the plan of Jesus Christ, the holy author of our religion;' the insertion was rejected by a great majority, in proof that they meant to comprehend, within the mantle of its protection, the Jew and the Gentile, the Christian and Mahometan, the Hindoo, and Infidel of every denomination."

III.

Such was the history of the Virginia Act of Toleration, which exercised such an important influence upon France's grant of religious liberty a few years later. It would, of course, carry us quite beyond the scope of the present paper to consider the various influences which operated in favor of the Jews upon the legislature and the people of Virginia. First of all is, naturally, the recognition of the fact that religious liberty is a necessary consequence of the principles of the Declaration of Independence. But the fathers of our

[1] *Memoir, Correspondence and Miscellanies of Thomas Jefferson*, edited by T. J. Randolph (1829), Vol. I, p. 36.

country adopted evolutionary rather than revolutionary methods, in constructing our government, and in the matter of Jewish emancipation there was more than a century's past treatment of the Jews in this country even then to draw upon. That the Jews acquired full rights in our various States as a result of a long and continuous struggle, in which their life and conduct, and familiarity and intercourse on the part of their Christian brethren with them, together with Jewish commercial and patriotic achievements, were responsible factors, has been repeatedly shown in special treatises by our members. Reference need merely be made here to Judge Daly's work, to the works of Oscar S. Straus, Simon Wolf, Isaac Markens and Henry S. Morais, and to the papers in our Society's "Publications," particularly to Dr. Hollander's on Maryland, Professor Jastrow's and the late Dr. Morais' on Philadelphia, Judge Rosendale's on Albany, and my own on New York and Newport. That these facts were familiar to Washington, Jefferson, Madison, Adams and other patriots, their correspondence shows. In addition to this, the leaders in the Virginia movement had been brought repeatedly into personal contact with zealous and self-sacrificing Jewish coworkers in the struggle for American independence; they knew and appreciated them and their efforts. It is unnecessary to enumerate these Jewish patriots here; let it suffice to extract but a single passage from the "Sketch of Haym Salomon" from Jared Sparks' unpublished manuscripts, contributed to No. 2 of our Publications by Prof. Herbert B. Adams, with notes by Dr. Hollander. Haym Salomon extended during the Revolutionary struggle "to the immortal delegation from Virginia, namely, Arthur Lee, Theodore Bland, Joseph Jones, John F. Mercer and Edmund Randolph, liberal supplies of timely and pecuniary aid, and we find it declared by one of the most accomplished, most learned and patriotic members of the succeeding sessions of the Revolutionary legislature, James Madison, that when . . . the pecuniary resources of the members of Congress, both public and

private, were cut off, recourse was had to Mr. Salomon for means to answer their current expenses, and he was always found extending his friendly hand." Madison himself, the "General" in the Virginia struggle for Religious Liberty, wrote to Randolph, September 30th, 1782, with reference to Haym Solomon as follows: "I am almost ashamed to acknowledge my wants so incessantly to you, but they begin to be so urgent that it is impossible to suppress them. The kindness of our little friend in Front street, near the coffee house (Salomon), is a fund that will preserve us from extremities, but I never resort to it without great mortification, as he obstinately rejects all recompense. The price of money is so usurious that he thinks it ought to be extorted from none but those who aim at profitable speculation. To a necessitous delegate he gratuitously spares a supply out of his private stock."

IV.

Thus far we have not referred to any Virginia Jews of this period, but the war had made the colonists familiar with each other and with each other's history, and we have seen that the Virginia leaders were personally on a familiar footing with Jews.[1] I have no doubt that the Jews of Virginia were

[1] Even before this contest in Virginia, the question of the effect of religious liberty clauses in State Constitutions, upon the Jews, had been raised in different States. Jonas Phillips' Petition, to the federal Constitutional Convention on this subject in 1787 has already been set forth in our "Publications" (II, 107), with its references to the Pennsylvania State Constitution. But already in 1776 the proposed State Constitution of that State gave rise to public criticism on this point. Mr. A. S. W. Rosenbach of Philadelphia has kindly transcribed for me passages from Philadelphia local newspapers of 1776 on this specific point.

The Pennsylvania Evening Post, for September 24, 1776, Vol. II, No. 262, prints a communication, signed R, addressed to that journal, advocating the insertion in the constitution of a clause containing a religious declaration. Every man, he says, in a

active in opposing the Assessment Bill, although no direct evidence of that fact is known to me. In fact, the early history of the Jews of Virginia has not yet been properly studied. Its narratives have been quite meagre, largely in consequence of the destruction by fire during the Civil War of the Rich-

Christian country should "make some profession of religion." He is greatly opposed to the clause as it stood in the draft of the constitution. Further, he continues, that "Those who are called to a share in the government, should not only be requested to believe, but, with the oath of allegiance, be obliged in a manner equally solemn, to subscribe a declaration including fully as much as the above profession and acknowledgment, and not merely one of their belief in God as Creator and Governor of the universes; for otherwise Jews or Turks may become in time not only our greatest land-holders, but principal officers in the legislative or executive parts of our government, so as to render it not only uncomfortable but unsafe for Christians, which I hope every American would wish to prevent as much as any other national slavery."

Ibid., September 26th, 1776, Vol. II, No. 263. Communication signed "A Follower of Christ." "The Jew swears upon the Thorah, the Mahomedan upon the Alcoran, the Protestants in Germany by Holy Trinity, the English kiss the New-Testament, and the Roman Catholic the cross. But the Pennsylvanians swear by nothing" . . . . . "William Penn in his Declaration of Rights, says that all persons, who also profess to believe in Jesus Christ, the Saviour of the world, shall be capable to serve this government in any capacity. This was a bar against professed Deists, Jews, Mahomedans, and other enemies of Christ, which is now removed if the declaration, section ten, remains unaltered. The Pennsylvanians have made a new constitution and frame of government for themselves, by a Convention, by which Jews, Turks, and Heathens may not only be freemen of that land, but are eligible for Assemblymen, Judges, Counsellors and Presidents or Governors." . . . .

"An Episcopal church, a Presbyterian meeting house, a Roman Catholic church, a mosque, a synagogue or heathen temple, have now in Pennsylvania all equal privileges! Will any Christian power call this state for the future a Christian state? Will it not be an asylum for all fugitive Jesuits and outcasts of Europe?"

mond records.[1] There is, however, undoubtedly, much interesting material which has been heretofore neglected. It seems to be quite certain that the "Elias Legardo," aged 38, whom Dr. Cyrus Adler has located as a resident of Virginia in 1624-5, after having come over on the "Abigail" in 1621, was a Jew.[2] In 1658 we encounter another Jew in Virginia, who has hitherto escaped the attention of the Jewish historian. In the *Virginia Magazine of History and Biography* (Vol. I, p. 467), under the heading "An Early Jew," the following passage from the York Records is given: "Att A court held for Yorke County 24 June 1658 'In ye Difference between Mrs. Elizabeth Jones, wife and Attorney of Richard Jones, pltff and Seign'r Moses Nehemiah, the said Moses in Court tendering Sixteen pounds Due to ye pltff by Bill in gold and good pieces of Eight, itt is ye Court's opinion that ye same is good pay, & order that ye same discharged him from his Debt, hee paying Costs by reason hee refused payment without allowance for ye Gold by Mrs. Jones." There is next a gap of over a century in our history, for our accounts seem to date the history of the Jews of Richmond from about the time of the supposed founding of the Congregation Beth-Shalom, about 1791, with many members whose names are familiar to us. Mr. Ezekiel fixes this date merely from the fact that the earliest congregational minute book known to him was started that year. As a matter of fact, the Richmond Jewish congregation joined in a joint letter to President Washington with the Philadelphia, New York and Charleston congregations in 1790, showing

[1] See the paper on *The Jews in Richmond*, by Jacob Ezekiel, in No. 4 of our Publications, and Markens' *Hebrews in America*, pp. 83-88. J. J. Benjamin: "*Drei Jahren* in Amerika," 1859-1862, Vol. I, pp. 346-8. Daly: "Settlement of the Jews in North America," pp. 75, 99, 101. See also now (1903) Cyrus Adler in "Jewish Encyclopædia," Vol. I, pp. 498-9.

[2] *Publications*, No. 1, p. 108.

conclusively that the existence of the Richmond congregation was well known to the sister congregations previously. There is no doubt that the Cohens and other Jewish families lived in Richmond during the Revolution, so we may safely say that the history of the Jews of Richmond runs back a good many years prior to this struggle of 1784-1785, and emphasizes the fact that the Jews in all probability expressed their views on this important question. The "Correspondence between the early American Presidents and the Jews," published in previous numbers of our "Publications" (III 87, IV, 219), shows unmistakably that Washington, Jefferson and Madison were on friendly relations with Jews, were familiar with their services on behalf of their country during the Revolutionary struggle, and respected them and favored conferring full rights of citizenship upon them. Some additional light is thrown upon their history by the following extract from an address by Israelites to the Common Council of the City of Richmond,[1] the date of which is, however, unknown to me:

"That your petitioners are members of a religious community, the object of whose constant endeavor it has always been to demean themselves as order-loving and law-obeying citizens, and they aver that they may favorably compare with any portion of the community in respect to honesty, fair-dealing and moral deportment. They ascribe this general evidence of good citizenship to the religion which it is their happiness to profess, which has descended to them from a long line of virtuous ancestors, and which, in this free State of Virginia, which knows no distinction among its children, secured to them without molestation or hindrance from any religious or political quarter, by those blessed instruments of freedom of body and of conscience, the Constitution of the United States and the Constitution and the Bill of Rights of

[1] *Fragments of History*, by A. E. Frankland, in *Am. Jews' Annual* for 1889, pp. 8-9.

our venerable Commonwealth. The Israelites of Virginia have been long known for their sterling character, few indeed have been subjected to arrest and trial for any crime, and the prisons and penitentiaries, they confidently assert, will exhibit but a small portion of their inmates as belonging to their co-religionists. Your petitioners may with pride refer to the names of some of their predecessors, who have descended to an honored grave, some of them in extreme old age, rarely reached except by the pursuit of the strictest temperance and virtue; and they claim that such men as Moses Myers, of Norfolk; Israel and Jacob I. Cohen, Samuel Myers, Jacob Mordechai, Solomon Jacobs, Joseph Marx, Zalma Rhins, Baruch and Manuel Judah, the Rev. Messrs. Judah, Seixas and Cohen, Marcus Elkan and Block, and very many others of whom it may be truly said: that among the Jewish inhabitants of Virginia are more men of sterling worth than among the same amount of persons elsewhere, and have left their examples as merchants and citizens, to be safely followed by others. In times, too, when the country was in danger from invasion by a foreign foe, the Israelites of Richmond snatched up arms at the first alarm, and at the memorable attack on the frigate Chesapeake they were found foremost amidst those who hastened forward to be ready at the call of their country. They felt themselves blest that their limbs were free and their hands unshackled to serve the country which looked upon them as children, dear alike with all other persuasions; and they were rejoiced, that feeble as might be their aid, small though their numbers were, they could strike at least one blow against the enemy who threatened the peace of their fireside; for the country, too, was theirs—they were part of the legislative power, alike in the eye of the law, not distinguished by any disqualification because by their belief or religious conduct."[1]

[1] See also the next instalment of Mr. Frankland's series "Fragments of History," in American Jews' Annual for 5650 (1889-

It is to be hoped that these important subjects, the relation of the Jews to the Virginia Act for Religious Liberty, and the relations of this and kindred American acts to the emancipation of the Jews of Europe, will enlist the attention of other students on the scenes in question, whose access to archives and unpublished records there may enable them more adequately to set forth these important episodes.

1890), p. 91, reprinting passage from the "Evening Mail" concerning the Jews of Richmond, and particularly dealing with the cemetery in which many Jewish soldiers of the Confederacy lie buried.

Rev. Isaac Leeser's first published work "The Jews and the Mosaic Law," though published in Philadelphia (copyrighted, 1833), was written some years earlier during a residence in Richmond, the preface being dated "Richmond, Va., Siran 9th, (June 10), 5589," and refers therein to the following gentlemen of that city, who had made suggestions embodied in the book: Mr. B. H. Judah, "late librarian of the Richmond Library Company, who has died since this book was written." Mr. Jacob Mordecai and Mr. Abraham H. Cohen, late Reader of the Richmond congregation. See also, "Reminiscences," by Isaac M. Wise, translated by David Philipson, p. 287, and Rev. Geo. A. Kohut's "The Oldest Tombstone Inscriptions of Philadelphia and Richmond," *Publications*, Vol. VI, pp. 107, 110-111.

THE JEWS OF NEW ENGLAND (OTHER THAN RHODE ISLAND) PRIOR TO 1800.

By Leon Hühner, A. M., LL. B.

The Puritan Revolution in England had awakened a keen interest in the Jewish race and this interest was powerfully reflected in early New England history. It is in Massachusetts that this tendency was most strongly exhibited. Hebrew was carefully taught at Harvard College,[1] and the restoration of the Jews was one of the most popular topics.

In 1649 Eliot, the missionary, announced that the Indians were of Hebrew origin.[2] In the following year Downam issued an appeal to Englishmen for contributions to Indian missions, on the plea that those of New England were of Jewish descent.[3] When in 1650 Thorowgood published his "Jews in America," Eliot of Massachusetts at once proclaimed that the 37th chapter of Ezekiel principally applied "to the Indians as such Jews," and stated that the New England churches were the "preface to the New Heavens."[4]

[1] Joseph B. Felt. *Ecclesiastical History of New England.* Boston, 1862. Vol. 2, p. 10. Under date February 1, 1649, President Dunster of Harvard, wrote to London concerning the remarkable proficiency of the students of his college in translating Hebrew and Chaldee into Greek. (See Belknap MSS.)

[2] *Felt's Ecclesiastical History* &c. Vol. 2, p. 12.

[3] *Ibid.*, p. 17.

[4] *Ibid.* Vol. 2, p. 22. It is curious to note also the strange arguments employed to prove the Indians of Jewish origin. Thus in connection with the settlement of Salem, in 1626, we read that it was called by the Indians "Nahum Keike." White says "the opinion is held by some that Indians might formerly have had some intercourse with the Jews. Howsoever it be, it falls out that the name of the place which our late colony hath chosen for their seat, proves it to be perfect

When in 1650 great mortality occurred among the colonists, it was supposed to be the preparation for the calling of the Jews.[1] This subject engrossed the leading minds, and Roger Williams, sending a pamphlet on the subject to Winthrop in 1654, says: "I pray you to read this Jew."[2] By 1665 the view was generally held, in Massachusetts at least, "that the outcasts of Israel were about to be gathered together,"[3] and the great number of works published on that topic at that period in Massachusetts alone is simply amazing.[4]

The same influence was also reflected in the governmental history of Massachusetts.[5] Already in 1634 Cotton presented to the General Court a code of laws called "Draft of

Hebrew, being called Nahum Keike, by interpretation 'The Bosom of Consolation.'" Cotton Mather also says: "Of which place I have also somewhere met with an odd observation that the name of it was rather Hebrew than Indian, for Nahum signifies comfort and Keik means a Haven, and our English not only found it a haven of comfort but happened also to put a Hebrew name upon it for they called it Salem, for the peace they had and hoped in it and so it is called unto this day."

See *Chronicles of the First Planters of the Colony of Mass. Bay, from 1623-1636*, by Alexander Young, Boston, 1846, p. 12, where other authorities on this subject are collected.

[1] *Felt's Ecclesiastical History*, &c. Vol. 2, p. 23. See also *Wonder Working Prov.*, p. 205-6.

[2] *The Winthrop Papers.* Collections of Massachusetts Historical Society. Vol. 36. (Vol. 6, 4th Series), p. 291.

[3] *Felt's Ecclesiastical History*, &c. Vol. 2, p. 369. Increase Mather alone opposed this view, claiming that "the time had not yet come." His discourses on the subject were published at London in 1669, under the title of "The Mystery of Israel's Salvation."

[4] Prominently among these may be mentioned "Jews in America" by John Eliot, London, 1660.

[5] *Felt's Ecclesiastical History*, &c. Vol. 1, p. 262.

the Model of Moses his Judicials,"[1] and in 1658 Plymouth seems to have expressly adopted the Jewish code as a model.[2]

The New England Puritans followed the events leading up to the resettlement of the Jews in England with keen interest. If it be permitted to digress, attention might be called to an item in that connection, which is interesting because it evidently does not refer to Mannassah ben Israel. In 1653 John Haynes writes to Winthrop "that the Jews from Hungaria have sent to England for safe convoy for their great Rabbi Abraham to come thither to consult before their next meeting and it is granted."[3]

Despite all this general interest in the Jews, the earliest reference to a Jew in Massachusetts is coupled with a direction for him to leave the colony.[4] The attitude of the New England Puritan on the subject of religious liberty is strikingly brought out in a letter written in 1645 by Winslow of Plymouth to Governor Winthrop. It shows, however, that universal tolerance had been the subject of a heated debate in the legislature and had powerful adherents. Winslow writes as follows: "I utterly abhorred it as such as would make us odious to all Christian commonweales." This document proposed "to allow and maintaine full and free toleracon of religion to all men that would preserve the civill peace and submit unto government and there was no limitacon or excepcon against Turke, Jew, Papist or any other. But our Governor and divers of us having expressed that sad consequences would

[1] Justin Winsor. *The Memorial History of Boston.* Boston, n. d. Vol. 1, p. 125, 145.

[2] *Felt's Ecclesiastical History,* &c. Vol. 2, p. 236. See also Plym. Col. Laws.

[3] *The Winthrop Papers.* Collection of Mass. Historical Society, 1865. Vol. 37. (Vol. 7, 4th Series), p. 464.

[4] *Records of the Governor and Company of the Massachusetts Bay,* &c., edited by Nathaniel B. Shurtleff. (Printed by Order of the Legislature), Boston, 1853. Vol. II, p. 273. Vol. III, p. 159-160.

follow ..... the governor would not suffer it to come to vote, as being that indeed would eate out the power of godliness. .... By this you may see that all the troubles of New England are not at the Massachusetts. The Lord in mercy looke upon us, and allay this spirit of division that is creeping in amongst us."[1]

The earliest reference to a Jew in Massachusetts appears under date May 3, 1649, and refers to Solomon Franco, the Jew. "The court doth allow the said Solomon Franco 6 shillings per week out of the treasury for 10 weeks for subsistence till he can get his passage into Holland so as he do so within that time."[2] Another entry dated May 9, 1649, recites almost the same fact.[3]

It is therefore improbable that Jews had settled in Massachusetts earlier than 1649. The pronouncedly Jewish names like those of Joseph Isaack[4] and his sister Rebecca Isaack[5] which appear between 1634 and 1636 may have belonged to Jews who had become converts in Europe or perhaps to persons of merely Jewish origin. In 1679 we find reference

[1] *Felt's Ecclesiastical History*, &c. Vol. 1, p. 551-2.

[2] *Records of Massachusetts* (Shurtleff), supra. Vol. II, p. 273.

[3] *Ibid.* Vol. III, pp. 159, 160. "Solomon Francho the Jew." See also *Felt's Ecclesiastical History*, &c. Vol. 2, p. 11.

[4] *Report of the Record Commissioners of the City of Boston.* Vol. 29, p. 137. Also *Records of the Governor and Company of the Massachusetts Bay in New England*, edited by N. B. Shurtleff, M. D., Boston, 1853. Vol. 1, pp. 372, 342, 220. Also Lucius R. Paige, *History of Cambridge, Mass.*, Boston, 1877, pp. 35, 592. Also *The Register Book of the Lands and Houses in the "New Towne" & the Town of Cambridge.* Cambridge (1896). The name appears frequently and with different spellings, as Isaac, Isaak, Isaacke, &c.

[5] *Collections of the Mass. Historical Society.* Vol. 30 (Vol. 10, 3d Series), Boston, 1839, p. 141. "A note of the names of all the passengers which tooke shippinge in the Elizabeth, of Ipswich, bound for New England the last of Aprill, 1634. Rebecca Isaacke, 36 years."

made to a suit in the County Court of Boston against Sarah Franks,[1] and in 1680 Samuel Isaac is mentioned.[2]

Before the end of the 17th century several Jews are mentioned as residing as such in Massachusetts. Some valuable pioneer work in this connection has been done by Dr. Cyrus Adler, whose notes were published in "The Menorah" about 1888. In his article Dr. Adler called attention to Frazier or Frazon, the Jew whom Cotton Mather tried to convert,[3] and to Simon, the Jew who became a Christian in 1702.[4]

[1] "Joseph Rock plff. agt. Sarah Ffrancks widdow." *Records of the Court of Assistants of the Colony of Mass. Bay*, 1630-1692. (Boston, 1901), pp. 142, 180.

[2] *Ibid.*, pp. 173-4. In 1683 one Joseph Simons is mentioned, but nothing to indicate his race. See The Register Book of Lands &c. in Cambridge (1896), p. 163.

[3] *Sources of American Jewish History*, edited by Cyrus Adler. 5 Menorah, p. 256. It seems that Cotton Mather resorted to some unscrupulous device in this attempted conversion. In the words of Samuel Sewell, a contemporary: "The forgery was so plainly detected that Mr. C. M. confest it, after which Mr. Frasier would never be persuaded to hear any more of Xianity." See *Diary of Samuel Sewell*, reprinted in Collections of the Mass. Hist. Soc. Vol. 5, 5th Series. Boston, 1878.

See also "A Modest Inquiry into the Grounds & Occasion of a late Pamphlet Intituled 'A Memorial of the Present Deplorable State of New England by a Disinterested Hand. London, 1707.'" Reprinted in Col. of Mass. Hist. Soc. Vol. 6, 5th Series, 1879, p. 80.

"Feb. 4, 1703/4. Joseph Frazon the Jew dyes at Mr Majors. . . . Feb. 5, Satterday, is carried in Simson's coach to Bristow, from thence by water to Newport where there is a Jews Burying place." *Diary of Samuel Sewell*, reprinted in Vol. 6, 5th Series of Mass. Hist. Soc. Col., p. 9.

[4] "Sr. 13, 1702, Lords Day. Mr. Bradstreet baptiseth Simon the Jew at Charlestown, a young man whom he was instrumental to convert. *Ibid.*, p. 65.

Since this paper was written, Rev. G. A. Kohut has kindly called my attention to the fact that Simon the Jew assumed the name of Barns, as appears by the following: "1702, Baptized Sept. Mr. Simon (quondam Judeus) Barns." *Records*

Among the inhabitants of Boston in 1695 the records mention Samuell the Jew[1] and one Raphaell Abandana.[2] In 1699 appears Isaac De Coster,[3] whose sons Isaac and Joseph De Coster figure frequently in colonial records.[4] There is nothing, however, to indicate his race.

The Puritan divines were always interested in the conversion of Jews, and Cotton Mather, writing to Winthrop in 1716, gives a detailed account of a reported wholesale conversion of Jewish children in Berlin.[5]

The most interesting of the early Jewish converts in New England was Judah Monis, who became a Christian in 1722, and for 40 years was instructor at Harvard. The detail of his career will be omitted here, as it has been written up by Rev. George A. Kohut, Mr. Lebowich and others.[6] I desire, however, to call attention to part of the inscription on his tombstone at Northborough, which refers to his Jewish origin, and has not been noted before. It reads:

"A native branch of Jacob see,
Which once from off its olive broke,
Regrafted from the living tree,
Of the reviving sap partook

of the First Church in Charlestown, Mass., 1632-1789. Boston, 1880, p. 97. Also "Mr. Barnes (quondam Judeus), bapt. Aug. 30, 1702." *The Genealogies and Estates of Charlestown, Mass.*, by Thomas Bellows Wyman, Boston, 1879, p. 60. This item Mr. Kohut obtained from Rev. Louis Meyer of Hopkinton, Iowa.

[1] *First Report of the Record Commissioners of the City of Boston*, 1876. Boston, 1881, *List of Inhabitants of Boston in 1695*, p. 164.

[2] *Ibid.*, p. 158.

[3] He may have been a Jew. He married a Christian lady and their children were in all likelihood Christians. See *Report of the Record Commissioners*, &c., Boston, 1883. Vol. 9, p. 250.

[4] *Ibid.*, Vol. 19, p. 299. Vol. 21, pp. 203, 255. Vol. 29, pp. 243, 319.

[5] *The Mather Papers.* Collections of Mass. Hist. Soc., 1868. Vol. 38 (Vol. 8, 4th Series), p. 420.

[6] G. A. Kohut in *The American Journal of Semitic Languages and Literatures.* Vol. XIV, pp. 217-26, Vol. XV, p. 56 &c. Joseph Lebowich in *Jewish Comment*, Baltimore.

From teeming Zion's fertile womb,
As dewy drops in early morn,
Or rising bodies from the tomb,
At once be Israel's nation born."[1]

In 1732 mention is made of Joseph Simpson and Hannah Miers, of Boston,[2] and in 1733 of Isaac Solomon, whose proposed marriage to Mary Todd was forbidden by the clergyman.[3]

Between 1740 and the Revolution only four persons were naturalized in the Superior Court of Boston; one of these was Aaron Lopez,[4] a Jew, described as "a native of Swansey in the County of Bristol, merchant, Jew, formerly residing at Newport from 1752 to 1762 and at said Swansey since."[5] Lopez was one of the most prominent merchants of New England, and an appreciative account of him may be found in Washburn's History of Leicester,[6] and more re-

[1] *Historical Collections*, &c., by John Warner Barber, Worcester, 1841, p. 590. Monis died in 1764 aged 81.

[2] It is doubtful whether they were Jews. See *Report of the Record Commissioners*, Boston, 1885. Vol. 13, p. 220.

[3] *Ibid.*, Vol. 28, p. 220.

[4] *Collections of Mass. Hist. Soc.* (1858-60). Vol. 4, p. 342.

[5] *Ibid.*, p. 343.

[6] Emory Washburn. *Historical Sketches of the Town of Leicester, Mass.*, Boston, 1860, pp. 120, 121, 124. "Mr. Lopez was one of the merchant princes of his day. His estate inventoried at about $100,000, and indicated by the character of the furniture and family stores on hand, a style of living not common at that day in this country. Washburn's *Brief sketch of the History of Leicester Academy.* Boston, 1855, pp. 7, 8. Also *Mass. H. S. Col.*, Vol. 11, p. 11. Also Daly, *History of the Settlement of the Jews in North America*, N. Y., 1893, pp. 76-9, 82, 83, 85, 86.

See also *The Worcester (Mass.) Magazine and Historical Journal*, edited by Wm. Lincoln & C. C. Baldwin, Worcester, 1826, Vol. 2, pp. 78, 90, 91.

cently in an interesting paper prepared by Hon. N. Taylor Phillips.[1]

In 1756 mention is made of Benjamin Brandon, author of poetical and political essays, though there is nothing to indicate his race.[2]

In the correspondence of prominent men of Massachusetts, members of the Franks family are frequently mentioned. They were the great traders of their day.[3] David Franks is repeatedly referred to in the Aspinwall papers between 1760 and 1769.[4] Hoops, writing to General Monckton, refers to an exclusive grant of land on the Ohio made to "David Franks, Joseph Symonds (Simons), Levy Andrew Levy" and others.[5] Watts, writing to Monckton during the French and Indian War, thus refers to Jacob Franks: "Jack Franks has your papers, votes, speeches and addresses."[6] Quite a few such references appear,[7] and on February 4, 1769, Watts, writing to Monckton concerning the death of mutual friends, says: "Father Franks has been obliged to bow to four score years and better and is just gone."[8]

Under date May 18, 1762, the Boston records state that

[1] *Jewish Comment*, Baltimore, Oct. 18, 1901.

The venerable Andrew H. Green has told the present writer that on his estate at Worcester are trees planted by Aaron Lopez.

[2] *Collections of the Mass. Hist. Soc.*, Vol. 3, Boston, 1810, p. 300. "A list of writers who were citizens of Boston."

[3] In fact a town seems to have been named for them, Franks Town near Fort Du Quesne mentioned in Niles' *History of the French and Indian War.* See *Col. of the Mass. Hist. Soc.*, 1861. Vol. 35 (Vol. 5, 4th Series), p. 428.

[4] *Ibid.*, 1871. Vol. 39 (Vol. 9, 4th Series), pp. 319, 341.

[5] *Ibid.*, 1871. Vol. 40 (Vol. 10, 4th Series), p. 606.

[6] *Ibid.*, p. 502.

[7] *Ibid.*, p. 504.

[8] *Ibid.*, p. 603. Jacob Franks, died at New York, January 16, 1769. See *Record Book of Shearith Israel Congregation* (MSS.), p. 62.

"the selectmen are informed that one Isaac Moses, a Jew, has lately come to town."[1] This is one of the earliest references to that well-known Revolutionary patriot, who subsequently became one of the foremost members of the New York Chamber of Commerce.[2]

The most prominent Jew of Boston prior to the Revolution was Moses Michael Hays, concerning whom a most interesting paper might be written. He lived in Boston years before the struggle, and was in correspondence with many prominent characters.[3] Thus in 1770 James Rivington, the New York publisher, writes to him, addressing him throughout as "My dear Moses," and discussing the rebellious attitude of the colonists.[4] Hays was a man of means, and we find his bond for the newly elected town treasurer accepted without question by the selectmen in 1790.[5] His name appears in the Boston Directory for 1789[6] and 1796.[7]

[1] *Report of the Record Commissioners of the City of Boston.* Boston, 1887, Vol. 19, p. 195. Isaac Moses is identified with New York. During the Revolution he was one of the patriotic citizens who advanced monies to the cause. On his removal to Philadelphia he materially assisted Robert Morris. He was one of the founders of the Philadelphia Congregation, and one of the leading members of the New York Chamber of Commerce.

[2] Of his prominence in the New York Chamber of Commerce mention is made in Grant Wilson's *Memorial History of the City of New York, N. Y.*, 1893. Vol. 4, p. 538.

[3] See letter from Elias Boudinot to Moses Hays of Boston. Vol. 7, *Bailey-Myers Collection* (MSS. at Lenox Library, N. Y.), No. 611. Also letter from General Glover, *Ibid.*, Vol. 5, No. 51.

[4] *Ibid.*, Vol. 7, No. 688.

[5] *Report of the Record Commissioners of the City of Boston.* Vol. 27, p. 129.

As to his prominence as a merchant, see also Justin Winsor's Memorial History of Boston, Vol. 4, p. 200.

[6] *Ibid.*, Boston, 1886. Vol. 10, p. 187. M. M. Hays: Insurance Office, State St.

[7] *Ibid.*, p. 254. In 1790 his household is described as follows: 2 white males, 2 white males under 16, 11 white females, 2 other free persons, no slaves. See *Ibid.*, Vol. 22, p. 445.

In connection with the general distress incident upon the shutting up of Boston harbor we find the name of a New York Jew. A shipment of corn had been sent by Virginia for the relief of Boston. This was sold and letters from Samuel Adams and John Hancock acknowledge receipt of the proceeds in the form of a bill of exchange drawn by Sampson Mears on Isaac Moses, of New York.[1] Jona De Costa is mentioned as a patriot citizen in 1775.[2]

Quite a number of patriot Jews removed from Newport in 1777 after that city had fallen into the hands of the British, and settled at Leicester, Massachusetts. Including their servants they numbered about seventy souls and embraced members of the Lopez, Rivera and Mendes families. An appreciative account of these Jews may be found in Washburn's History and other New England works.[3]

The most prominent Jew in the Massachusetts line during

[1] *Collections of the Mass. Historical Society, Boston, 1858.* Vol. 34 (Vol. 4, 4th Series), p. 84. See also letter from Isaac Van Dam to John Hancock. *Ibid.*, pp. 190-1.

[2] *Report of the Record Commissioners*, &c. Vol. 29, p. 328.

[3] Emory Washburn. *Historical Sketch of the Town of Leicester, Mass.* Boston, 1860. Also *The Worcester (Mass.) Magazine and Historical Journal*, edited by Wm. Lincoln and C. C. Baldwin, Worcester, 1826, pp. 78, 90, 91, where the writer says: "They always observed the rites and ceremonies of their law and their stores were closed from Friday until Monday morning. They were prudent, industrious and enterprising and many of them were elegant in their address and deportment and possessed an extensive knowledge of the world. They were always respected and esteemed by the inhabitants of the town and always seemed to remember with pleasure the kindness and civility they on their part received while residents there and availed themselves ever afterwards of every opportunity that presented to express these feelings, as many who experienced their attentions when in Newport would attest."

The following curious example of the orthodoxy of these Jews is likewise given in the same publication: "A child of one of the families having one day tasted some pork in one of the neighbors' houses, its mother immediately upon learning

the Revolution was Isaac Franks. His career has been written up by Professor Jastrow,[1] and a detailed record of his military career may be found in the last volume of the Society's publications.[2]

Among the Jewish residents of Boston between 1790 and 1798, besides those already referred to, were Judah Hays,[3] Isaac Solomon[4] and Abraham Solis, the latter being de-

the fact, administered a powerful emetic and thus cast out the sin of which it had been unconsciously guilty."

The following is from Washburn's *History of Leicester*, p. 123.

"Though without a place of assembly for worship here, they rigidly observed the rites and requirements of their own laws, keeping Saturday as holy time, but out of regard to the sentiments of the people among whom they were settled, carefully kept their stores closed from Friday until Monday morning of each week."

"Though differing from their neighbors in matters of religious faith, they won the confidence and esteem of all by their upright and honorable dealing, the kindliness and courtesy of their intercourse and the liberality and public spirit which they evinced as citizens."

"They remained here until the ratification of peace in 1783, when with the exception of Mr. Lopez, they returned to Newport, carrying with them the respect and kind regard of a community with which they had been intimately associated for six years."

The most influential of these Jews was Aaron Lopez, above referred to. His house subsequently became the Leicester Academy. He was drowned, May 20, 1782. Of him a contemporary paper says: "He was a merchant of eminence, of polite and amiable manner. Hospitality and benevolence were his true characteristics. An ornament and a valuable pillar in the Jewish society of which he was a member. His knowledge in commerce was unbounded and his integrity irreproachable. Thus he lived & thus he died, much regretted, esteemed and loved by all. See Washburn's *History*, &c., p. 124.

[1] Vol. 5, *Amer. J. H. Soc. Publications*, p. 7, &c.

[2] *Ibid.*, Vol. 10, pp. 168-170. Note by the present writer, and authorities cited.

[3] *Report of the Record Com. of the City of Boston.* Vol. 22, p. 68 (1798).

[4] *Ibid.*, p. 479.

scribed as "Interpreter of Foreign Languages."[1] In connection with Salem prior to 1800 mention is made of Joseph Franks.[2]

Leaving Massachusetts, we find Connecticut next in importance. Connecticut had a singularly homogeneous society and framed the strictest code of laws of any in New England; laws that continued in force longer in that colony and were more effective there as well. Strangely enough, however, although these very "Blue Laws" provided that "no food or lodging could be given to a Quaker, Adamite or other heretic,"[3] Jews settled there at a very early period and even obtained an express sanction for their residence.

The earliest reference to a Jew in Connecticut is an entry dated November 9, 1659, reciting that a fine of 20 shillings has been imposed on David the Jew.[4] A recent work by the President of the Connecticut Historical Society fixes that entry as early as 1650.[5] The first mention of Jews in numbers, however, appears in the Hartford Town Records, February 11, 1660, stating "that there remains in John Allyns hands 10 shillings for the Jews."[6] This entry is followed by

[1] *Ibid.*, Vol. 10, p. 283. See also *Ibid.*, Vol. 22, p. 469.

[2] *Collections of the Essex Institute*, Vol. 4, p. 5. (*An Account of Salem Common*, by B. F. Brown.)

[3] William B. Weeden. *Economic and Social History of New England*, Boston, 1890. Vol. 1, p. 223.

[4] *The Public Records of the Colony of Connecticut*, edited by J. Hammond Trumbull, Hartford, 1850. Vol. 1, p. 343. Weeden's *History*, Vol. 1, p. 200.

Joseph B. Felt. *Ecclesiastical History of New England.* Boston, 1862. Vol. 2, p. 265.

[5] J. Hammond Trumbull. *The Memorial History of Hartford County, Conn.* Boston, 1886. Vol. 1, p. 321.

[6] *Collections of the Connecticut Historical Society.* Hartford, 1897. Vol. VI, p. 133:

"There remaineth in Dan Prats hand due to the Towne. 2— 6—2
More in John Allyns hand for the Jews 0—10—0
paid to Mr. Jon Alen for a debt ye Tone owed him formrly."

another under date September 2, 1661: "The same day ye Jews which at present live in John Marsh his house have liberty to sojourn in ye town for 7 months."[1] They probably continued to reside there, for mention is made of them subsequently, although strangely enough Hartford had no synagogue prior to 1847.[2]

In 1670 Jacob Lucena was tried at Hartford and fined £20, "to be imprisoned until the fine is paid and immediately on his discharge to leave the colony."[3] His offense was probably Sabbath-breaking, for a subsequent entry recites that "upon the humble petition and submission of Jacob Lucena the Court see cause considering he is a Jew to show him what favor they may and abate 10 pounds of his fine."[4] Lucena, however, obtained the influence of the well-known New York burgher, Asser Levy, in his behalf, and an entry in the Hartford Records, 1671, informs us that "upon the petition of Mr. Assur Levy, this Court see fit to cause to abate five pownds of Jacob Lucenoe's fine as a token of their respect to the sayd Mr. Assur Levy."[5]

Jews figure repeatedly as litigants in the Connecticut rec-

[1] *Collections of the Connecticut Historical Society.* Hartford, 1897. Vol. VI, p. 135. Hartford Town Votes September 2, 1661: "The same day ye Jewes wch at prsent live in Jon Marsh his house, haue liberty to soiorne in ye Towne for seaven months." See also J. H. Trumbull, *The Memorial History of Hartford County, Conn.* Vol. 1, p. 422. Also *Connecticut Historical Collections*, by John Warner Barber, New Haven, n. d., p. 46.

[2] Trumbull's *Memorial History*, &c. Vol. 1, p. 422.

[3] *Colonial Records of Connecticut.* Vol. 2, p. 144. (October 11, 1670.)

Also *Records of the Court of Assistants* (1669-1701), p. 7.

[4] *Colonial Records of Connecticut.* Vol. 2, (1665-1677), p. 144. Hartford Court, 1670.

[5] *Ibid.*, p. 154. See also paper on *Asser Levy; A Noted Jewish Burgher of New Amsterdam*, by the present writer in No. 8, A. J. H. S. *Pub.*, p. 9, &c.

ords during the early portion of the 18th century. In this way we meet Moses Levy [1] and Isaac De Medina in 1723,[2] Jacob Franks,[3] Abraham Pinto [4] and Asser Levy, the son of the New York worthy, in 1724,[5] and Isaac Jacobs in 1725.[6] These early Jews did not all reside in the same town, but curiously enough were scattered throughout the colony. Thus Abraham Pinto is described as a resident of Stratford,[7] De Medina of Hartford,[8] and Isaac Jacobs of Brandford.[9] In 1728, however, De Medina in a suit over a bond of £4000 is described as a resident of New York.[10] A grant of land to David Jacobs is recorded in 1708.[11] Jacob Franks figures as a litigant in Connecticut as late as 1750.[12]

The Isaacs family, while not Jews, are repeatedly referred to as of Jewish descent. Its members, particularly Samuel, Benjamin, Isaac and Ralph Isaacs, figure prominently in Colonial annals from 1748 to the close of the Revolution.[13]

[1] *Colonial Records of Connecticut.* Vol. (1717-1725), p. 423.

[2] *Ibid.* Also in 1725. See *Ibid.*, pp. 576, 577. Again James Poisson vs. Isaac Demedina, May, 1728. *Ibid.*, Vol. 7 (1726-35), p. 188. See also p. 255.

[3] October, 1724. *Ibid.*, Vol. (1717-1725), p. 488.

[4] *Ibid.*, p. 488, and in 1725. *Ibid.*, p. 577.

[5] *Ibid.*, pp. 488, 576, 577.

[6] *Ibid.*, pp. 548, 577.

[7] *Ibid.*, p. 577.

[8] *Ibid.*, p. 577.

[9] *Ibid.*, pp. 548, 577.

[10] *Colonial Records of Connecticut.* Vol. 7 (1726-35), p. 202.

[11] *Ibid.*, Vol. (1706-10), p. 60.

[12] At that time however he is described as a resident of New York. See *Ibid.*, Vol. 9, p. 544 (1744-1750).

[13] (Samuel.) *Ibid.*, Vol. 9, p. 362. Vol. 10, p. 123. (Benjamin). *Ibid.*, Vol. 11, p. 552. Vol. 12, pp. 417, 558. Vol. 13, p. 182. (Isaac.) *Ibid.*, Vol. 10, p. 472. Vol. 11, p. 99. (Ralph.) *Ibid.*, Vol. 9, p. 306, Vol. 11, p. 533. Vol. 12, pp. 69, 643. Vol. 13, pp. 34, 143, 208, 257, 310. Vol. 14, pp. 66, 155, 321. The Isaacs family belongs to Norwalk. References to Ralph Isaacs, who was a prominent Tory, are so frequent that his name may be found

Judah Hays, of New York, is mentioned as a litigant at Fairfield in 1747 and 1749.[1] Isaac Solomons, a Jew of Middleton, figures in 1748 in connection with his petition regarding the duty on certain goods imported by him from London.[2] Hulda Levi is mentioned at Guilford in 1772.[3]

Mr. Kohut has heretofore called attention to the fact that Ezra Stiles in his diary under date 1760 says that "on inquiry it seems there are no Jews in Connecticut," and in 1762 he mentions the absence of Jews in Bristol and New Haven.[4]

Even as late as 1772 when Stiles mentions the arrival from the West Indies of a Jewish family at New Haven, he says: "They are the first real Jews at that place with the exception of the two Jew brothers Pinto who renounced Judaism and all religion. Should there hereafter be a synagogue in New Haven it must be dated from this."[5]

in the index of almost any work dealing with Connecticut Revolutionary History. See also *A Historical Collection from Official Records of the Part Sustained by Connecticut During the War of the Revolution.* Compiled by Royal R. Hinman, Hartford, 1842, pp. 302, 404.

The Jewish origin of Ralph Isaacs is referred to in *Biographical Sketches of the Graduates of Yale College with Annals of the College History.* Vol. II, May, 1745-May, 1763, by Franklin Bowditch Dexter, M. A. N. Y., 1896, pp. 233, 699. Also Note by Dr. Cyrus Adler in 6 Am. J. H. S. *Publ.*, p. 151-3.

[1] *Colonial Records of Connecticut.* Vol. 9 (1744-50), p. 483.

[2] *Ibid.*, p. 522.

[3] *Ibid.*, Vol. 13, p. 659. (1768-72.)

[4] *The Literary Diary of Ezra Stiles*, edited with notes, by F. B. Dexter. 3 vols. N. Y., 1901. See also *Ezra Stiles and the Jews*, by Rev. G. A. Kohut. N. Y., 1902, pp. 109, 110.

Under date January 6, 1762, Stiles writes: "I learn in conversation with Capt. Jno. Nichols that there are no Jews in New Haven." A similar statement appears in 1763 on the authority of his father-in-law, Dr. Hubbard.

[5] *The Literary Diary of Ezra Stiles.* Vol. I, pp. 283-4 (Itinerary). See Mr. Kohut's *Ezra Stiles and the Jews*, p. 109-10. The family referred to came originally from Venice.

Stiles' statement was certainly inaccurate, for besides the references already given,[1] there seems to have been quite a number of Jewish residents at Norwalk as early as 1760. The most prominent of these was Michael Judah, who figures as a litigant in the records,[2] and succeeded in reversing a judgment rendered against him at Litchfield in 1763.[3]

The most influential Jewish family, however, in Connecticut, both during Colonial and Revolutionary times, were the Pintos. Isaac Pinto, of Stratford, figures as early as 1748,[4] Jacob and Solomon Pinto were inhabitants of New Haven as early as 1759,[5] and figure repeatedly in the court records between 1765 and 1773.[6] One Jacob Simon (whom I cannot identify as a Jew) is mentioned as a Justice of the Peace in 1773 and 1775.[7]

The Jewish residents of Connecticut are found on the patriot side in the Revolutionary annals.[8] In fact, when in

[1] Many other pronouncedly Jewish names appear in connection with New Haven during the Revolutionary Period. Thus in 1777, we find advertisements by Jacobs and Israel of New Haven. See *Conn. Historical Collections*, p. 179.

[2] *Colonial Records of Connecticut.* Vol. 11 (1757-62), p. 476, (October, 1760.)

[3] *Ibid.*, Vol. 12, pp. 225. (1762-67.)

[4] *Colonial Records of Connecticut.* Vol. 9 (1744-50), p. 406.

[5] *Ibid.*, Vol. 11, p. 325. (1757-62.)

[6] *Ibid.*, Vol. 15, (1775-6), pp. 68, 153, 154 (Pinto vs. Todd. Pinto vs. Kettletas). *Ibid.*, Vol. 13 (1768-72), pp. 37, 609. Vol. 14 (1772-75), pp. 68, 153-4. Vol. 15 (1775-6), p. 610. In 1776, Jacob Pinto was appointed to appraise land. Vol. 15, p. 350.

[7] *Ibid.*, Vol. 15 (1775-6), pp. 10, 279. Also *The Part Sustained by Connecticut During the War of the Revolution.* Compiled by R. R. Hinman. Hartford, 1842, p. 28.

[8] It may be interesting to note that while Silas Deane was delegate from Connecticut to the Continental Congress at Philadelphia, he became quite intimate with Jews in that city. A Miss Levy figures repeatedly in his correspondence with his

August, 1776, Gershom Seixas, the patriot New York minister, induced his congregation to close the synagogue and remove rather than continue under British auspices, many of his flock went to Connecticut.[1] Solomon Simson, for instance, went to Danbury and there in 1780 was born his son Sampson Simson, the subsequent founder of Mount Sinai Hospital.[2] Solomon Hays, who also went to Connecticut, died there before the close of the war.[3] Among the patriot refugees from Long Island we find Moses Simons,[4] Aaron Isaacs and his son.[5] Attention has been called by Mr. Kohler

wife and also in the correspondence of Samuel B. Webb. See *Conn. Hist. Society's Publications.* Vol. 2, pp. 176, 189.

Among the pronouncedly Jewish names in the Connecticut Revolutionary line, though they cannot be identified as Jews, are Solomon Jacobs, in Trumbull's Co., 1777. *Ibid.*, Vol. VII, p. 220. Benedict Aaron (*Record of Services of Connecticut Men in the War of the Revolution*, compiled by authority of the General Assembly. Hartford, 1889, p. 453. Samuel Abraham, who was made prisoner by the British in 1781. *Ibid.*, p. 578. Daniel Manuel a corporal in 1776. *Ibid.*, p. 469.

[1] See N. Taylor Phillips *The Levy and Seixas Families 4 Am.*, J. H. S. *Publ.*, p. 205. Also paper by the present writer on "Gershom Seixas" in *Jewish Comment*, Baltimore, January 10, 1902. Also reprint in *Amer. Hebrew*, March 27, 1903.

[2] The father of Solomon Simson also went to Conn. and Ezra Stiles mentions visiting him in 1782. He describes him as aged 86, a refugee from New York, residing in Wilton in Norwalk, Conn. Stiles seems to have been intimate with the members of Simson's family and corresponded with them. See *The Literary Diary of Ezra Stiles*, edited with Notes, by F. B. Dexter, 3 vols., N. Y., 1901. Vol. II, p. 553. Vol. III, pp. 3, 32-3. Also *Ezra Stiles and the Jews*, by G. A. Kohut, pp. 106-7.

See also valuable sketch of *Sampson Simson*, by Hon. Myer S. Isaacs in *10 Am. J. Hist. Soc. Publications*, p. 110.

[3] This appears from an old MSS. a copy of which I obtained through the kindness of Dr. S. Solis Cohen, of Philadelphia.

[4] *New York in the Revolution* (Supplement), being a Compilation by Erastus C. Knight, Comptroller, Albany, 1901, p. 133.

[5] *Ibid.*, p. 132.

to the fact that a daughter of Aaron Isaacs married out of her faith and her son was John Howard Payne, the composer of "Home, Sweet Home."[1]

Most of the New York refugees went to Norwalk, probably because it already had a Jewish settlement.[2] Gershom Seixas himself when leaving New York took with him the sacred Scroll of the Congregation and settled in that town. There he remained until 1780.[3] Benjamin Etting died at Norwalk in 1778.[4]

During the Revolutionary War the British made frequent raids on Norwalk. In October, 1777, we find a petition signed by its most prominent citizens addressed to the Council of Safety, reciting the fact that the British frequently enter the harbor, fire the houses of the patriots and plunder the community. Their efforts to guard their shores are also given in detail; their request is that "a well fitted vessel of about 8 guns may be purchased to cruise the sound as a protection to the shore." Among the signers to this petition are Myer Myers, Solomon Simson and Benjamin Jacobs, all well-known Jewish names.[5]

David Judah was a member of Capt. Gregory's company in the Connecticut Line as early as 1776.[6]

[1] *Some Early American Jewish Poets, Actors and Dramatists* (still unpublished).

[2] Some of the births and deaths of Norwalk Jews are recorded in the Record Book of Congregation Shearith Israel, of New York. Thus at p. 57 I find, "1776, born Rebcka, daughter of Myer Myers of Norwalk, Conn."

[3] See *The Levy and Seixas Families*, by Hon. N. Taylor Phillips, *4 Am. J. H. S. Pub.*, p. 205.

[4] Dr. S. Solis Cohen. *David Hays and Esther Etting* in *2 Am. J. H. S. Publ.*, p. 66.

[5] *A Historical Collection from Official Records of the Part Sustained by Connecticut during the War of the Revolution*, compiled by Royal R. Hinman. Hartford, 1842, p. 598.

[6] *Record of Service of Conn. Men in the Revolution.* Hartford, 1889, pp. 486, 724.

In 1777 Michael Judah petitions the Council of Safety for leave to bring a quantity of sugar from Rock Hill for the inhabitants of Norwalk, which is granted.[1]

In 1779 appears an order to Joel Moor Clark, of "ye 2nd Co. of Alaram list in Sunbury," directing him to notify certain persons "to aquipt themselves with arms and acouterments and hold them in readeynes to march at ye shortest notice for ye defence of this state." Among those named is Juda Hays.[2]

The most important Jewish names in the Revolutionary annals of Connecticut are those of Jacob, Solomon and Abraham Pinto.[3] Jacob Pinto appears to have been a member of an important political committee at New Haven in 1775.[4]

In 1776 the patriots of New Haven petitioned the Governor and Council of Safety for the removal of certain Tories. A portion of this petition is as follows: "We should esteem ourselves very unfortunate should we in our zeal for the preservation of our liberties entertain jealousies of any that are really friends of our country. We are every night exposed to be destroyed by our open enemies; our internal enemies, intimately acquainted with our harbors and our defenseless situation, can introduce themselves into our houses, can involve us, our wives and our little ones in ruin." The petition

[1] *A Historical Collection from Official Records of the Part Sustained by Connecticut during the War of the Revolution*, compiled by Royal R. Hinman, Hartford, 1842, p. 459.

[2] *Collections of the Connecticut Historical Society.* Vol. VIII, p. 203.

[3] In the *Letter from the Secretary of War transmitting a Report of the Name, Rank and Line of every person placed on the Pension List pursuant to the Act of March 18, 1818*, Washington, 1820, Vol. 4, appear the following Jewish names as Revolutionary Pensioners in the Connecticut Line: Solomon Pinto, Ensign; Benjamin Hart, Private; Benjamin Aaron, Lieut. As to Jacob Pinto, see also *Colonial Records of Connecticut*, Vol. 15, p. 350.

[4] See also *Connecticut Historical Collections*, by John W. Barber, New Haven, n. d., p. 176.

was granted and among its patriot signers were Jacob and Abraham Pinto.[1]

Abraham Pinto was a member of the 10th Company, 7th Regiment of the Connecticut Line as early as 1775.[2] William Pinto, also of New Haven, and in all likelihood a brother of the foregoing, appears as a volunteer in 1779 and 1781.[3]

In connection with the attack on New Haven by the British, July 5 and 6, 1779, the records state that both Abraham and Solomon Pinto were among the wounded on the patriot side.[4]

The most conspicuous of the Pinto brothers, however, was Solomon Pinto, above referred to, who was an officer in the Connecticut Line. He was appointed ensign from civil life[5] and served with distinction throughout the war. As a member of Captain Baldwin's company (2nd Regiment),

[1] *A Historical Collection from Official Records of the Part Sustained by Connecticut during the War of the Revolution*, compiled by Royal R. Hinman, Sec. of State, Hartford, 1842, p. 567. See also Peter Force's *American Archives*, 5th Series, Vol. 2, p. 375.

[2] *Record of Service of Connecticut Men in the War of the Revolution*, compiled by authority of the General Assembly. Hartford, 1889, pp. 84, 553, 746.

[3] *Ibid.*, p. 631.

[4] *The History of Connecticut*, by G. H. Hollister, New Haven, 1855. Vol. 2, p. 377.

Also *A Historical Collection, &c., of the part sustained by Connecticut*, &c., by R. R. Hinman.

Also *Connecticut Historical Collections*, by J. W. Barber, p. 170, (mentions Abraham Pinto only).

See also *The Literary Diary of Ezra Stiles*, Vol. II, p. 365.

Also *Record of Service of Connecticut Men in the War of the Revolution*, compiled by authority of the General Assembly. Hartford, 1889, p. 553.

[5] *Record of Service* &c., p. 218. He also appears to have served as an officer in the 7th regiment, Connecticut Line.

1777-1781, he served to June, 1783,[1] when he "retired with the army."[2] Under the act of 1818 he subsequently became a pensioner.[3]

Solomon Pinto has the additional distinction of having been one of the original members of the Society of the Cincinnati in Connecticut,[4] composed of meritorious Revolutionary officers. His name is appended to the original record now in possession of the Connecticut Historical Society.

Turning now to the remaining New England States, Maine, New Hampshire and Vermont, investigation yields but slight results. Members of the Moses family,[5] a name common throughout New England and one remotely of Jewish origin, are, it is true, met with in all three. None of these three States, however, had a Jewish community prior to 1800,[6] though individual Jews seem to have traded there. In connection with Portland, Maine, mention is made in 1804 in a letter of Commodore Preble, of a Lieutenant Joseph Israel who fell before the walls of Tripoli,[7] but there is nothing to show whether he was a Jew. In Maine the earli-

[1] *Record of Service of Connecticut Men in the War of the Revolution*, compiled by authority of the General Assembly. Hartford, 1889, p. 325.

[2] *Ibid.*, p. 360. [3] *Ibid.*, p. 636.

[4] *Ibid.*, 373. The original record reads "Society of the Cincinnati. We the subscribers, officers of the American army do hereby voluntarily become parties to the foregoing institution and do bind ourselves to observe and be governed by the principles therein contained, for the performance of which we do pledge to each other our sacred honor."

[5] Rev. M. T. Runnels. *History of Sanbornton, N. H.* Boston, 1881. Vol. 2, p. 527. With very few exceptions the name of *Moses* as a family name appears more extensively than other names in New England Records.

[6] W. D. Williamson in his *History of the State of Maine*, Hallowell, 1832, in detailing concerning Religious Sects, makes no mention of Jews. The same is true of histories of New Hampshire and Vermont.

[7] *The Maine Historical and Genealogical Recorder.* Vol. 7, p. 234.

est mention of a Jew was one Susman Abrams, a native of Hamburg, who settled there during the Revolutionary War and resided successively at Waldborough, Thomaston and for many years at Union, where he conducted a tannery."[1]

In Vermont in 1782 mention is made of one Benjamin Jacobs, who obtained permission to pass through Windsor on his way to Quebec to negotiate an exchange of prisoners.[2]

One interesting item in this connection is closely associated with the career of Alexander Hamilton. What is now Vermont had been claimed by New York throughout the entire Revolutionary period and this claim was strongly urged even after the war. In 1789 Hamilton inspired a movement to have New York relinquish its claims and have Vermont admitted as a separate State into the Union. For this purpose he obtained the co-operation of the most influential New Yorkers who were most heavily interested in Vermont lands and their petition on the subject was presented to the Legislature, February 13, 1789. I venture to give its opening paragraph:

"*Memorial of John Jay and others to the Hon. the Legislature of the State of New York.*

"That in the opinion of your memorialists the present situation of the district called Vermont and the peculiar disposition and circumstances of its inhabitants strongly oppose a re-union under the government of this State.

"That this consideration renders your memorialists exceedingly desirous to see proper and constitutional means taken for securing the said district into the American Confederacy as a free and independent State.

[1] John Langdon Sibley. *A History of the Town of Union in the County of Lincoln, Me.* Boston, 1851, pp. 110, 74, 127, 154. Abrams married a Christian woman and was a constant attendant at the Christian Church. He died in 1830 aged 87.

[2] *Records of the Governor and Council of the State of Vermont.* Vol. 2, p. 156.

"That although your memorialists are interested in lands in said district and have well founded claims on the justice of this State, yet they will be content to receive justice in any manner which the nature of the case and the situation of public affairs may point out as most expeditious."

There are about sixty signatures to this petition, comprising the most representative names in New York. John Jay, Robert Troup, Thophilact Bache, and Alexander Hamilton. Among these we also find the name of Benjamin Judah.[1]

The bill passed the Assembly but was defeated in the Senate and Vermont was not admitted until two years later.[2]

In New Hampshire the Moses and the Abrams family are constantly met with in the records and are classified by some writers as "Descendants of Jewish Christians."

Of the former, the earliest mention occurs in 1693 when Aaron Moses, of New Castle, is referred to. Runnels in his history of Sanbornton, New Hampshire, indexes the Moses and Abrams families under the title "Jewish Descendants at Sanbornton."[3] He tells us that the Abrams family "as its name indicates is of Jewish origin," and as tradition has it, is descended from two brothers "Christian Jews, who came from Palestine to New England at an unknown date, their names being William Abrams, who was a ship's carpenter and fell into the sea and was drowned, and John, the other brother, who settled at Amesbury, Massachusetts."[4]

Several other Jewish names appear in the early New Hampshire records. Thus in 1770 in the list of grants to

[1] *Records of the Governor and Council of the State of Vermont,* edited by E. P. Walton. Montpelier, 1875. Vol. 3, pp. 447-448.

[2] *Ibid.*

[3] Runnels, Rev. M. T. *History of Sanbornton, New Hampshire.* Boston, 1881. See also *Ibid.*, Vol. 2, p. 527, as to the Moses family.

[4] *Ibid.*, Vol. 2, p. 7. Runnels also states that the Abrams family by marriage is related to the family of General Putnam and of Daniel Webster.

settlers on the road between Wolfsborough and Leavits Town (Ossipee) Grant No. 11 was made to Joseph Levy[1] (the condition of these grants was that each settler had to give a bond for £30 that a house would be erected by him within a year).

Again in 1777 mention is made of William Levi of Somersworth as a private in the 2d New Hampshire Continental Regiment.[2]

The sole mention of a Jew as such in New Hampshire prior to 1800[3] is that of Abraham Isaac, the Jew of Portsmouth, who settled there about the close of the Revolution and was exceedingly active in Masonic affairs.[4] So appreciative is the account of him given in Brewster's History, that I venture to give it in full.

"Abraham Isaac and his wife were natives of Prussia and Jews of the strictest sect. They were the first descendants of the venerable Patriarch that ever pitched their tent in Portsmouth, and during their lives, were the only Jews among us. He acquired a good property and built a house on State street. Their shop was always closed on Saturday. Mr. Isaac died February 15, 1803, and on the stone which marks his grave in the North Burying Ground may be seen the following epitaph written by our poet J. M. Sewall:

"Entombed beneath where earthborn troubles cease
A son of faithful Abraham sleeps in peace;

[1] *State Papers of New Hampshire*, compiled by Albert Stillman Batchellor, Concord, 1896, Vol. 28, p. 138. Also *Masonian Papers*, Vol. 7, p. 96.

[2] *State Papers, &c. of New Hampshire*, Vol. 14, p. 615.

[3] There appears express mention that there were no Jews in Portsmouth, N. H., in 1741-2. See *Historical Magazine*, edited by Dawson, June, 1870, Vol. 7, 2d series, p. 353.

[4] *Town Papers &c., of New Hampshire*, compiled by Isaac W. Hammond, Concord, 1884, Vol. 13, p. 306. Abraham Isaac was among the Petitioners of St. John's Lodge, F. and A. M., of Portsmouth, N. H., for incorporation in 1799.

In life's first bloom he left his native air
A sojourner as all his fathers were.
Through various toils his active spirit ran,
A faithful steward and an honest man.
His soul, we trust, now freed from mortal woes
Finds in the patriarch's bosom sweet repose."[1]

Sewall, the writer of the foregoing was one of the leading poets of the Revolution and his song "Vain Britons boast no longer," was sung in every camp throughout the country.[2]

[1] Charles W. Brewster. *Rambles about Portsmouth, N. H.* (2d Series), Portsmouth, 1869, p. 230.

See also same work. Portsmouth, 1859, p. 336.

Brewster also gives an account of the widow of Abraham Isaac and of her adopted son, who resided at New Ipswich, N. H. See *Ibid.*, 208, 230, 232 (2d Series, 1869).

[2] *Ibid.* (2d Series), Portsmouth, 1869, p. 232.

THE JEWS AND THE AMERICAN SUNDAY LAWS.

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The object of the present paper is to survey the position which the Jews, from the earliest times to the present day, have occupied before such tribunals as have judicially interpreted the Sunday legislation of various jurisdictions.

From the earliest times, American legislation has favored regulations of Sabbath observance. The courts have invariably traced the origin of Sunday laws to the Jews' legislation for the Sabbath,[1] but have calmly transferred the "holy time" from the seventh day of the week to the first.[2]

The earliest cases arising under Sunday laws, where Jews were litigants, date from 1816. In Pennsylvania the defendant's contention that, as a Jew who scrupulously observed his own Sabbath, he was excepted from the operation of a statute which prohibited worldly employment on Sunday, was not approved.[3] The other case arose in Connecticut.[4] It may

[1] See Exod. xx, 8-10; xxi; Levit. xix, 3, 30; xxiii, 15; xxv, 8; xxvi, 2, 34-43, etc.

[2] See Robert Cox: *The Literature of the Sabbath Question*, Edinburgh, 1865, Vol. II, p. 410 *et seq.;* Abram Herbert Lewis: *Sunday Legislation: Its History to the Present Time and Its Results*, New York, 1902 (2nd edition); James T. Ringgold (deceased): *The Legal Sunday: Its History and Character*, no place of publication, 1899. These works contain invaluable material on the entire question.

[3] See *Publications*, No. 5, p. 35 *et seq.*, where Mr. John Samuel has discussed this case, Commonwealth *v.* Wolff, 3 Serg. & Rawle (Penna.), 48 (1816), and also the cases, Stansberry *v.* Marks, 2 Dallas (Penna.), 213 (1793), and Phillips *v.* Gratz, 2 Penrose & Watts (Penna.), 412 (1831). These cases are not considered at length in the present paper.

[4] Myers *v.* The State of Connecticut, 1 Connecticut, 502 (1816). The court referred incidentally to the fact that Connecticut was a Christian commonwealth.

well be doubted if the party to this suit was a Jew; the decision went on the ground that the labor on Sunday was a work of necessity, and therefore legal.

In 1833 Alexander Marks and another were prosecuted by the Town Council of Columbia, S. C., for having kept their shop doors open on Sunday, thus violating a local statute which regulated Sunday observance. Marks contended that this statute conflicted with the United States Constitution, which guaranteed the free exercise of conscience to all, and that, being a Jew, this local ordinance was unconstitutional.[1] The court, however, did not adopt this view of the situation and upheld Marks' conviction on the ground that the ordinance in question was proper, for the good of society and in aid of law and order, not of religion.[2]

[1] Town Council of Columbia *v.* C. O. Duke and Alexander Marks, 2 Strobhart (So. Car. Law), 530 (1833).

[2] P. 535 of the report, the court says: "If society, by one consent, or by law, designate any day of the week as one of leisure and rest and on which all the ordinary and laborious occupations and pursuits of life are suspended, . . . And if it be called a restraint on individual or personal liberty in not allowing everyone to pursue his own interest, as it may be presented, the answer is, it is a restraint which the benefit of society imposes, and the right to impose it has been yielded by the individual himself—or, in other words, it is one which those 'in whom all power is originally vested' (among whom he [Marks] is himself numbered) have prescribed for the common benefit." The constitutionality of Sunday laws has been upheld mainly on the ground that such laws are a legitimate, salutary exercise of the police power of the State. State *v.* Sopher, 60 L. R. A. (Utah), 468 (1903). This exercise of the police power once regarded as proper makes the entire question easy of solution. It may safely be assumed that these judicial views voice public opinion, or at least the opinions of the majority. The United States, not even excepting Louisiana where the civil law derived from France obtains, in part, are governed by Anglo-Saxon traditions and most of the States have Sunday laws for that reason. For California, see my paper in *Publications*, No. 10, p. 136 *et seq.*

In an early case in Maryland, it was claimed that Sunday was not necessarily the Sabbath, that any day of the week might be made a day of rest by law.[1] But it was held that " . . . The Sabbath is emphatically *the day* of rest, and the day of rest here is the 'Lord's day,' or christian's[2] Sunday. Ours is a christian community and a day set apart as the day of rest, is the day consecrated by the resurrection of our Saviour, and embraces the twenty-four hours next ensuing the midnight of Saturday."[3]

Toward 1845 the following case was decided:[4] " The Court of Common Pleas of Hamilton County, Ohio, has reversed the decision of the Mayor of Cincinnati, who fined several Israelites for transacting business on Sunday. The ordinance, upon which his action was founded, was decided to be unconstitutional, and at variance with a spirit of free toleration. The judge in his charge to the jury remarked that a Jew or person of any denomination, who conscientiously keeps one day holy, may prosecute his avocations [?!] on every other day, but he must not commit a nuisance to the community; his business, however, can be no more a nuisance on Sunday than any other day."

In 1846 one S. A. Benjamin sold a pair of gloves on Sunday in Charleston, S. C. A city ordinance of 1801 made it a penal offense for any person publicly to expose for sale or sell in any shop, goods, etc., on the Lord's day, commonly called Sunday. Benjamin was found guilty and fined. He ad-

[1] Kilgour *v.* Miles and Goldsmith, 6 Gill and Johnson, 268 (1834).

[2] So in the original report.

[3] *Ib.*, p. 274. I am not sure that the defendant Goldsmith was a Jew; the case is well worth citing, however, for the light it throws on our discussion. See the State *v.* Jacob Meyer, 1 Spears (So. Car. Law), *305 (1843).

[4] It is reported in *The Occident* (edited by Isaac Leeser), Vol. III, p. 57. This journal chronicled most carefully all the cases which arose under the Sunday laws during its existence.

mitted that he had sold the gloves, but declared that the law could not compel him to observe the Christian Sabbath as he was a conscientious Israelite who observed the seventh day of the week as his Sabbath. It was held, however, by the appellate court that the ordinance was constitutional, being a police regulation, and that it did not operate in such a way as to cause Benjamin to desecrate his own Sabbath.[1] Said the court:[2] "It is, however, fancied that in some way this law is in derogation of the Hebrew's religion, inasmuch as by his faith and this statute he is compelled to keep two Sabbaths. There is the mistake. *He has his own, free and undiminished!* Sunday is to us our day of rest. We say to him simply, *respect us,* by ceasing on this day from the pursuit of that trade and business in which you, by the security and protection given to you by our laws, make great gain. This is a mere police or municipal regulation."[3] South Carolina has to-day rather a harsh and sweeping Sunday law in full force and operation.[4]

[1] City Council of Charleston *v.* S. A. Benjamin, 2 Strobhart (So. Car. Law), 508 (1846); S. C. 49 Am. Dec. (San Francisco, 1883), 608 and note pp. 616-623. ". . . There is therefore no violation of the Hebrew's religion, in requiring him to cease from labor on another day than his Sabbath, *if he be left free to observe the latter according to his religion.*" P. 529. *Cf. Voice of Jacob*, Vol. II, p. 180 *et seq.*

[2] *Ib.*, p. 527.

[3] In Hennington *v.* State of Georgia, 163 U. S., 299 (1895), the Supreme Court of the United States held that a State statute making it unlawful to run any freight train on Sunday is "an ordinary police regulation designed to secure the well being and to promote the general welfare of the people within the State by which it was established, and therefore not invalid by force alone of the Constitution of the United States" (p. 318). See, however, the brief but able dissenting opinion in this case, which did not specifically concern itself with Jews.

[4] See *Criminal Statutes of South Carolina*, § 386, in *The Revised Statutes of South Carolina*, Columbia, S. C., 1894, Vol. II, p. 393. James T. Ringgold (*Sunday; Legal Aspects of the First Day of the Week*, Jersey City, N. J., 1891, p. 4, note) says that the Benjamin

In November, 1846 the Jews of Richmond, Va., by concerted action, secured an exemption in favor of observant Seventh Day Sabbatarians in the Virginia Sunday laws. Moreover, a city ordinance regulating Sunday observance in Richmond, which operated harshly against Jews, was repealed.[1]

Jacob Rice was fined for violating a Cincinnati ordinance in selling goods on Sunday.[2] It was held that his plea, that as a conscientious Jew he observed Saturday as the Sabbath, was proper, the ordinance being unconstitutional so far as Rice was concerned.

In 1856, in Iowa, Philip Alexander was fined five dollars for working on Sunday. Failing to pay his fine, Alexander was committed to jail, but discharged by order of the Supreme Court of the State on a writ of habeas corpus.[3]

In December, 1857, an interesting decision was handed down in the Common Pleas Court, New York City, by the Honorable Charles P. Daly, LL. D., an honorary member of our Society.[4] Mark Isaacs sued to have a judgment, entered on an award of arbitration, vacated for the reason (among

case was reversed on appeal. This statement could not be verified by me; it may well be doubted, however, that Benjamin secured a decision in his favor.

[1] Full details are given in *The Occident*, Vol. III, p. 417; Vol. IV, pp. 297-302, 615.

[2] The City of Cincinnati *v.* Jacob Rice, 15 Ohio Reports, 225 (1846). See *The Occident*, Vol. V, pp. 112 *et seq.*, 164 *et seq.*, 204 *et seq.* On Seventh Day Baptists and by implication on Jews, see Specht *v.* The Commonwealth, 8 Penna. State, 312 (1848); *The Occident*, Vol. VIII, p. 54, *et seq.*; Vol. XII, pp. 100, 101, 155, 206 *et seq.* See, too, Bloom *v.* Richards, 2 Ohio State, 387 (1853) where a contract made on Sunday was declared to be valid.

[3] See *The Occident*, Vol. XIII, p. 558.

[4] Mark Isaacs *v.* The Beth Hamedash Society, 1 Hilton, 469 (1857). The defendant was a society of the Shearith Israel Congregation, and the award, to which reference is made in the text, was initiated by " Dr. Raphael; " presumably Dr. Raphall is meant.

others) that the arbitrators met on Sunday. Mr. Justice Daly said: "The next objection is, that the arbitrators sat, examined witnesses, and deliberated upon the matter, on Sunday. The parties and witnesses in this unpleasant controversy, which arose out of a claim of the plaintiff for baking the passover bread for this religious corporation, are all of the Jewish persuasion, and consequently observe the seventh day of the week as their Sabbath or day of rest. To them the Christian Sabbath is a secular day, but its universal observance as a day of rest, by the great mass of their fellow-citizens, renders it a day upon which people of this persuasion are compelled more or less to abstain from their ordinary pursuits, and upon which they are necessarily less employed. It is very natural, therefore, that they should select, for a matter of this kind, a day when from keeping Saturday as a Sabbath, they are privileged to engage in any labor that does not disturb the rest of their fellow-citizens. The defendants having consented to settle by arbitration, . . . it would be very much to be regretted if the investigation of the matter on that day should render the subsequent award of the arbitrators of no avail, and, at the instance of those among the defendants who are dissatisfied with it, that the whole subject should be open for a public investigation in the courts."[1]

Max S. Meyer, in 1866, claimed that the Pennsylvania Society for the Visitation of the Sick, a German Jewish asso-

[1] *Ib.*, pp. 472, 473. The Sunday laws of New York in 1857 exempted from their operation such persons as conscientiously kept Saturday as holy time, so long as their labor on Sunday did not disturb the peace and quiet of their Christian neighbors. P. 473 the court went on to say: " . . . It was not unlawful, therefore, for the parties and witnesses here, being all Israelites, to assemble together on Sunday and investigate, deliberate upon, and arbitrate the matter in controversy. . . . That the witnesses were sworn by the arbitrators is immaterial, as it is not essential to the validity of an award, that the witnesses should have been sworn. . . . " Had the award been

ciation, was not justified in expelling him from membership after a trial conducted on a Sunday.[1] The court held: " . . . But . . . this was not an ecclesiastical or church trial, concerning matters of conscience. It was an ordinary secular or business affair, being the same kind of trial which any other corporation might engage in. It might be well to consider how far such trials on Sunday comport with the legislation of the State and the genius of our institutions. It will also be remembered that Jews, who regard the seventh day only as their Sabbath, are bound to observe the civil regulations made for the observance of the Christian Sabbath. This has been repeatedly decided."[2]

published on Sunday, the court decided, the plaintiff would have failed. Fortunately for the plaintiff, the award was not made public until Monday, although the preliminary steps had been taken on Sunday.

The New York State Senate Committee on Canals reported, March 11, 1858, against closing canals on Sunday. See *The Occident*, Vol. XVI, p. 282 *et seq.;* also *Ib.*, p. 218.

An interesting case is Swann *v.* Swann, 21 Federal, 299 (1884); and see the note in *Ibid.*, pp. 308, 309. This case mentions the Jews only incidentally.

[1] The Society for the Visitation of the Sick, &c., *v.* The Commonwealth *ex rel.* Max S. Meyer, 52 Penna. State, 125, 135 (1866). The following cases, bearing on various phases of the question of Sabbath observance, may be consulted, although in several instances the litigants were Christians and the Jews were only referred to incidentally: The People of the State of New York *v.* Otto Hoym and Edward Hayman, 20 Howard's Practice (N. Y. Super. Ct.), 76 (1860); Gustav Lindenmuller *v.* The People, 33 Barbour (N. Y.), 548 (1861), at pp. 551, 558, 559, 560, 561, 569, 570; Johns *v.* The State, 78 Indiana, 332 (1881); Karwisch *v.* Atlanta, 44 Georgia, 204 (1871); Scales *v.* State, 47 Arkansas, 476 (1886); Commonwealth *v.* Dextra, 149 Massachusetts, 28 (1886); *Ex parte* Lundstrom, 25 Texas Appeals, 133 (1888), at pp. 140, 141, 142.

[2] On Sunday law cases in California, see A. M. Friedenberg, "Solomon Heydenfeldt: A Jewish Jurist of Alabama and California," in *Publications*, No. 10, p. 136 *et seq.; The Occident*, Vol.

In 1867 one Frolickstein appealed a fine of $25 imposed by the City Court of Mobile, Ala., for his violation of a municipal ordinance prohibiting the sale of goods by merchants on Sunday.[1] Frolickstein declared that he was a Jew by birth, " . . . and a strict member of the Jewish church, and believing in the religion and faith of the Jewish church; that according to the religious faith of the Jews, Saturday is the Sabbath, and on that day the defendant *does no work,* because he is so commanded by the law of Moses, and the defendant believes such to be the command of God; but by the same command, and by the same faith, which is his religious belief, and is also the faith and belief of the Jewish church, he, and all Jews, believe that it is their religious duty to work on all of the other six days of the week; that in obedience to his religious belief, and the command aforesaid, he sold said pair of *shoes,* and not otherwise, on Sunday, which is the Christian Sabbath."[2] But the court held otherwise. " . . . The law does not hurt, molest, or restrain the appellant in the entertainment or expression of what he regards as a religious sentiment or persuasion. It simply prohibits the performance of an act, which he supposes to be required by a religious duty. . . . Acts must at least be the fruit of a sentiment or persuasion *in fact* religious, in order that an immunity from legislative prohibition may be claimed."[3]

XVI, p. 269 *et seq.;* Vol. XIX, p. 451 *et seq.; Ex parte* Westerfield, 55 California, 550 (1880); *Ex parte* Koser, 60 California, 177 (1882).

In The City of Canton *v.* Martin Nist, 9 Ohio State, 439 (1859), the court said, p. 441: " The ordinance in question contains no such general exceptions, in favor of necessity, charity, or creeds. It attempts to compel the observance of Sunday by Jew and Christian alike. . . ." For this reason the ordinance was held unconstitutional. I am by no means sure that the litigants in all of these cases were Jews. *Cf.* note p. 115, *infra.*

[1] Frolickstein *v.* Mayor of Mobile, 40 Alabama, 725 (1867). This case has been followed in many jurisdictions.

[2] *Ib.*, p. 726.

[3] *Ib.*, p. 727. Moreover, the court said, p. 728: ". . . The ex-

L. A. Levy was fined, July, 1874, for keeping his store open on Sunday after 9 a. m., thus violating a city ordinance of Shreveport, La.[1] The ordinance, as passed, did not affect such persons as kept their shops closed on Saturday. Although Shreveport contained a large number of Jewish inhabitants, the court held:[2] " . . . Before the constitution Jews and Gentiles are equal; by the law they must be treated alike, and the ordinance of a City Council which gives to one sect a privilege which it denies to another, violates both the constitution and the law, and is therefore null and void."

In 1877 Gehring Has contended that, as an observant Jew, he was justified in keeping his shop open on Sunday.[3] Has' plea was not heard, the court declaring that his offence was absolute in the eyes of the law. " Keeping open a shop is in itself a solicitation to do business, and thus an invitation to

ercise of the power to enforce this theory of public good would not infringe the constitution, whether the designated day should be the Christian or the Jewish Sabbath."

In Commonwealth *v.* Charles Hyneman, 101 Massachusetts, 30 (1869), at p. 31, the court said: " The defendant is found guilty of selling intoxicating liquors on the Lord's day, contrary to the provisions of St. 1868, *c.* 141. He has a license; but, by § 10, the license does not authorize him to sell on that day. But he offered to prove that he was a Jew, conscientiously believing that the seventh day is the Sabbath. His conscientious belief might protect him from a prosecution for violating the provisions of the Gen. Sts. *c.* 84, by acts of secular labor on the Lord's day (see § 9), provided he violated no other law. But it is no excuse for his violation of the law respecting the sale of intoxicating liquors." We shall see that the Massachusetts court refused to apply the rule in this case to a subsequent litigation over acts of secular labor on Sunday.

[1] City of Shreveport *v.* L. A. Levy, 26 Louisiana Annual, 671 (1374). This decision is notoriously unsound and cannot be supported. The court does not distinguish between privilege and exemption. It is amusing to find text writers citing this case as supporting the proposition that all men are equal before the law.

[2] *Ib.*, p. 672.

[3] Commonwealth *v.* Gehring Has, 122 Massachusetts, 40 (1877).

commit acts which the Legislature has treated as violations of the day. While those, who, for conscientious reasons, observe the seventh day of the week as the Sabbath, may do business or perform labor which does not interfere with others, they are not entitled by keeping open their shops to invite the violation of the provisions of the act, even if their ordinary business is shop keeping."[1]

Billigheimer was convicted in a Cincinnati police court for unlawfully performing common labor, Sunday, May 31, 1874, by carrying on his usual business. Billigheimer pleaded that, as an Israelite, he closed up his billiard room at 6 p. m., Friday, May 29, and kept it closed until 7.30 p. m., Saturday, May 30, the intervening period being the Jewish Sabbath. The evidence showed that Billigheimer occasionally observed the Jewish Sabbath and that at times he closed his business on Sunday, in which event he worked on Saturday as usual.[2] For this reason the appellate tribunal held[3] that the lower court, " . . . with the witnesses before it, was perhaps better

[1] *Ib.*, p. 41. P. 42, the court followed out the theory that the law in question was a police regulation. " . . . The act imposes upon no one any religious ceremony or attendance upon any form of worship, and any one who deems another day more suitable for rest or worship, may devote that day to the religious observance which he deems appropriate. That one who conscientiously observes the seventh day of the week may also be compelled to abstain from business of the kind expressly forbidden on the first day, is not occasioned by any subordination of his religion, but because as a member of the community he must submit to the rules which are made by lawful authority to regulate and govern the business of that community." See Commonwealth *v.* Philip Marzynski, 149 Massachusetts, 68 (1889). Compare, In the Matter of the Application of Peter Jacobs, 98 New York, 98, 107, 108 (1885); Neuendorff *v.* Duryea, 69 New York, 557 (1877); Julius Caspary *v.* The State, 14 Texas Appeals, 567 (1883); Friedeborn *v.* Commonwealth, 113 Penna. State, 242 (1886).

[2] Billigheimer *v.* The State of Ohio, 32 Ohio State, 435 (1877).

[3] *Ib.*, pp. 442, 443.

able to determine this nice question of conscience than a court of error can possibly be . . . that tribunal may have thought that defendant's custom of keeping open his saloon indifferently, as between the two days, was not that 'conscientious' observance to which the statute refers, . . . "

In 1882 the police of New York city threatened to arrest many Jews who kept their shops open on Sunday.[1] On being asked to intervene, the court (Arnoux, J.) said:[2] "Is it not obvious that by reason of keeping a store open for business on Sunday a temptation is presented to those who have no regard for Saturday as holy time to violate the law? If a Hebrew merchant hired only Hebrew clerks, and sold only to Hebrew customers, there probably would be but little inducement for him to keep open on Sunday. The only exception in favor of those who keep Saturday as holy time has no relation to trades, manufactures or mechanical employment. It has relation only to servile labor, ...

"It must appear, therefore, that the accused uniformly keeps another day holy, and that he does not then labor, and yet this does not protect him from arrest. It can only be shown as a defense to a prosecution."[3]

[1] Anonymous, 12 Abbott's New Cases (N. Y. Super. Ct.), 455 (1882).

[2] *Ib.*, pp. 456, 457.

[3] The reasoning of the case is inconclusive and illogical. While the court is impartial in its attitude toward Jews, the police can arrest the Jewish merchant innumerable times. If Sunday laws are police regulations, little attention has been given to fixing their character and scope. The Anonymous case is still law in New York. "*Persons observing another day as a Sabbath.*—It is a sufficient defense to a prosecution for work or labor on the first day of the week, that the defendant uniformly keeps another day of the week as holy time, and does not labor on that day, and that the labor complained of was done in such manner as not to interrupt or disturb other persons in observing the first day of the week as holy time." New York Penal Code, § 264. The New York statute is typical. Practically it compels the Jews to labor surreptitiously on Sunday. Compare, for an example

Louis Liberman was cast into prison, having been found guilty before a police magistrate of the offense of keeping open his "dry goods and notion store" for the sale of goods on Sunday, in Lincoln, Nebraska, 1888, and having failed and refused to pay the fine then and there imposed on the ground that he was a conscientious Jew.[1] On appeal, the court affirmed Liberman's conviction.[2] "It is said in the stipulation that plaintiff in error and his partner 'are Jews, and do conscientiously believe in the seventh day of the week as their religious day of rest; and upon said seventh day of the week, while said store was open, they stood ready to sell any article in their store, as well as upon the first day of the week, and on said seventh day of the week they kept their store open the same as upon other days.'

"The ordinance provides that its provisions 'shall not extend to those who conscientiously *observe*[3] the seventh day of the week as the Sabbath,' and, therefore, as plaintiff does not 'observe' that day as a Sabbath, he is not within its provisions."

In a Virginia case it was held that the constitutional right of trial by jury did not extend to the petty offense of laboring on Sunday, which was punishable by a small fine and cognizable by a justice.[4]

of legislative discretion in exercising police power, Bloomingdale *v.* Seligman, 3 New York Supplement (Common Pleas), 243 (1888). See Commonwealth *v.* Rosenthal, 3 Penna. County Court, 26 (1887). A very well considered case, with elaborate dissenting opinions is People *v.* Havnor, 149 New York, 195 (1896). Here it does not appear that the appellant was a Jew.

[1] Louis Liberman *v.* The State of Nebraska, 26 Nebraska, 464 (1889).

[2] *Ib.*, p. 469.

[3] The italics are the court's.

[4] *Ex parte* Marx, 86 Virginia, 40 (1889). As recently as 1893, the Court of Appeals of New York has said: "The Christian Sabbath is one of the civil institutions of the state, and that the legislature for the purpose of promoting the moral and physical well-being of the people, and the peace, quiet and

In 1896 the Agudath Hakehiloth, a union of Orthodox Hebrew congregations, applied to court for the approval of its certificate of incorporation. The annual meeting of the corporation was fixed for the second Sunday in January. The court (Pryor, J.) declared:[1] " . . . Although not explicitly stated, it is, nevertheless, an inference from the face of the certificate before me that the members of the proposed corporation are of a race and religion by which not the first, but the seventh, day of the week, is set apart for religious observance. The fact might be of decisive importance were a desecration of their holy day contemplated; but the act intended is an aggression upon the Christian Sabbath. The law which

good order of society, has authority to regulate its observance, and prevent its desecration by any appropriate legislation is unquestioned. . . . " People *v.* Moses, 140 New York, 214, 215 (1893). I am not sure that the defendant Moses in this case was a Jew.

" . . . It has been frequently urged that these Sunday Laws, as they are called, operated as a cruel hardship upon the Jew, forcing him to observe a day as the Sabbath which he conscientiously believes is not the true Sabbath, *i. e.*, that his conscience compels him to keep Saturday as the Sabbath, while the statute compels him to keep Sunday, giving him two days to observe in every seven; thus indirectly punishing him for his religious belief. And upon this ground the constitutionality of these statutes has been frequently assailed; and to avoid this constitutional objection it is perhaps safer, and makes defence easier, if legally considered we regard it, not as a religious institution, but as a municipal police regulation. . . . It may avoid a very difficult question." George E. Harris, *A Treatise on Sunday Laws*, Rochester, N. Y., 1892, §310.

[1] *In re* Agudath Hakehiloth, 42 New York Supplement (Supreme Court), 985, 986, 987 (1896); s. c. 18 Misc., 717. I am informed by J. D. Eisenstein, Esq., that the union was a religious and financial corporation. Some courts, however, hold otherwise. State *ex rel.* Ottolengui *v.* Aucker, 2 Richardson (So. Car. Law), 245 (1846), at pp. 255, 282. On the authority of Mark Isaacs *v.* The Beth Hamedash Society, 1 Hilton, 469 (see *supra*, p. 105 f), it might have been otherwise decided. In

scrupulously protects them in the observance of their ceremonial gives them no license, as I am sure they have no desire, to affront the religious susceptibilities of others. . . . Because the holding of corporate meetings on Sunday is contrary to the public policy of the state, if not to the letter of its law, I decline to approve its certificate."[1]

Jewish cases under the American Sunday laws have been impartially decided, in the main, by the courts. At first a religious regulation, the question has become a social problem. With the attitude of legislators, that the laws governing Sunday observance are a legitimate exercise of the police power of the State, Jews cannot quarrel because the maxim *salus populi suprema lex est* must invariably produce such results where the vast majority of citizens are Christians. Injustice has been worked at times: this may be ascribed to exceptional

connection with the Massachusetts cases (*supra*, p. 108 f), see Dr. Cyrus Adler in *Jewish Encyclopedia*, Vol. III, p. 326 b. Compare, *The Occident*, Vol. XIII, pp. 226, 558, 565, 575; Vol. XV, p. 231.

[1] The following is of interest and deserves to be quoted *in extenso*. "Exemption of Jews.—The contest in the courts against the constitutionality of the Sunday laws has been maintained almost entirely by members of the Jewish race, who claim, with a slight color of reason, that having already, in obedience to the precepts of their religion, rested on the seventh day, they should not also be enjoined from labor and business on the first. But it has been held, in accordance with the well-founded principle that the law should be uniform and universal in order to be effectual, that the objection was not well taken. They rest on Saturday for their own benefit, in compliance with their religion; but the law, which looks to general and not individual benefits, requires them to close their shops and cease from labor on the day dedicated to public recreation and repose . . . The statutes of Indiana specially exempt Jews from the operation of the Sunday law, and in one case it is strongly intimated that a law not exempting Jews and Seventh-day Baptists would be invalid: *Johns v. State*, 78 Ind. 332. [So, also Ohio] . . . The distinction is, in fact, rapidly losing its point, *as the Jewish citizens have, by*

circumstances or ineradicable hatred. The present state of the American Sunday laws in the majority of cases, wherever they have been enacted, with their exemptions in favor of conscientious, observant Jewish Sabbatarians, is the result of a long series of decisions in various jurisdictions which assure the Jew an honorable position before the courts of the land.[1]

common consent, agreed to waive the ceremonial observance of Saturday as a day of rest in favor of Sunday [my italics]." 49 Am. Dec., p. 623.

[1] Since the above was written a recent case came to my notice: "An ordinance prohibiting common labor or opening places of business on the first day of the week, commonly called Sunday, which does not except works of necessity and charity, is invalid, and a conviction under it will be reversed."—Strauss *v.* Village of Conneaut, 23 Ohio Cir. Ct. R., 320 (1902).

THE JEWS OF CHICAGO.

By H. Eliassof, Esq., *Chicago.*

Figuring from the time when the first Jew settled in Chicago, the Jewish community of this city is sixty-four years old. It is the oldest in the State of Illinois. According to the statements of the oldest Jewish inhabitants, the first Jew who made Chicago his home was J. Gottlieb, who arrived here in 1838. Very little is known about this first pioneer of the Chicago Jewish community. Prior to 1838 there were no Jews in the State of Illinois, at least, no records can be found of their presence in the State. In 1840 four more co-religionists arrived in Chicago. Isaac Ziegler, the brothers Benedict and Jacob Schubert and Phillip Newburg.

The first city directory of Chicago was published by Robert Fergus in 1839 and continued by this publisher for a number of years. The Chicago Historical Society possesses an incomplete set of these old city directories. The volumes of 1840, 1841 and 1842 are missing. The directory of 1839 contains no Jewish names. In the copy of 1843 the names of Isaac Ziegler and Benedict Schubert appear but J. Gottlieb's name is not recorded at all. In a second edition of the Fergus directory of 1843, reprinted in 1895, I find the following:

"Ziegler, Isaac, peddler, bd's Washington Hall (Died Oct. 10, 1893, a. 85)."

"Shubart, (Scott) Benedict, Merchant Tailor, 183 Lake St., (Died April 1, 1854)."

The name of Phillip Newburg appears for the first time in the same directory for 1844:

"P. Newburgh, Draper and Tailor, 153 Lake St."

For many years Mr. Ziegler peddled in the city and vicinity. He married some years after his arrival and several

of his children are still living in this city. Mr. Benedict Schubert was also unmarried when he came here and he too was married a few years later. Not long after his death, his widow married a Mr. Fleishman. She was again left a widow. She died here in the year 1901, one son of her first marriage, Aaron Schubert, and two children of her second marriage, survived her. She was one of the first few Jewish women who came here in the primitive days of the Jewish settlement. She was a good and true mother in Israel, keeping up her affiliation with the Jewish congregation during her long widowhood. She departed from this world leaving behind a good and honored name.

Mr. Benedict Schubert was a man of good qualities. He possessed business ability and by good management, he prospered and soon was considered the leading merchant tailor of Chicago. He was able to build the first brick house in Chicago.

Mr. Phillip Newburg did not stay long in the tailoring business. He entered the tobacco business and was the first Jewish tobacco dealer in the State of Illinois. Some years later he removed to Cincinnati, Ohio.

The following Jews settled in Chicago between the years 1840 and 1844: H. Fuller, Jacob Fuller, Marx L. Mayer, Rosbach, Isaac Engle, B. Stern, A. Frank, Marcus Peiser, Levi Rosenfeld, Jacob Rosenberg, Morris Einstein, the brothers Julius, Abraham and Moses Kohn, James Marks, the brothers Benjamin, Henry Meyer and Mayer Klein. Chicago was then such an insignificant place that Mr. Klein did not think he would be able to earn a living here and he removed to Troy Grove, in La Salle County, Illinois. He later moved back to Chicago, where he is still living.

Mr. Henry Meyer was the first Jew who bought land in Cook County. He purchased of the Government 160 acres in the town of Shaumburg, Cook County, and upon this land he settled as a farmer. Before he came to Chicago, Mr. Meyer lived for several years in New York city. At that

time Mr. William Renau, who was one of the organizers of the Order of B'nai B'rith, started a movement in New York, for the formation of a Jewish colonization society. Mr. Renau devoted all his energies to the realization of the colonization project. He travelled through the country, lecturing on the subject of placing Jewish immigrants upon farms, and endeavoring to enlist the interest of the American Jews in his plans to establish agricultural pursuits among the Jews. At last he succeeded, the Jewish colonization society was organized in the East and Mr. Henry Meyer was appointed agent and sent West to find a suitable location for a Jewish colony. He came to Chicago, bought the land at Shaumburg and reported to New York that he had found the right place. He urged upon the members of the colonization society to come to Chicago without hesitation. His report stated: "Chicago opens a vista into a large commercial future, and the land around it, which is flowing with milk and honey, is particularly adapted for tillers of the soil." A number of Jews came to Chicago in consequence of Mr. Meyer's report, but only two settled in the vicinity of Shaumburg, the rest scattered throughout the State and drifted into commercial life. Mr. Meyer remained on his farm until he was advanced in years, when he removed to Chicago. His brother-in-law, M. Kling who lived near him in Shaumburg, stayed there some years longer. Mr. Meyer had sold his farm and invested the proceeds in Chicago real estate.

The following Jews arrived in Chicago in 1845 and 1846: Morris Kohn, B. Weigselbaum, Samuel Cole, M. Braunshield, M. Leopold, Louis Leopold, Martin Clayburg, Henry Leopold, Michael Greenebaum, Louis Mayer, Ben Schlossman and wife, Joseph Schlossman and wife, Simon Schlossman, Samuel Schlossman and wife, Levi Cline and wife, Hirsch Kohn, Mrs. Dilah Kohn and Miss Clara Kohn, her daughter. Mrs. Dilah Kohn was the mother of the five Kohn brothers, who then lived in Chicago. A sixth brother, Joseph, came in 1847. In the same year arrived Elias Greenebaum, the

Rubel family, consisting of the father, four daughters and four sons, Gabriel, Abraham, Isaac and Moses, Isaac Luckey and wife, Isaac Wolf and sisters, Henry Horner, Louis and Samuel Haas, Jacob Friedman, Isaac Louis and Simon Wormser. Among those who came in 1848 were: Henry Greenebaum, M. M. Gerstley, E. Frankenthal and Max Weineman. Six of the oldest Jewish settlers are still living in Chicago: Marx L. Mayer, Isaac Wolf, Mayer Klein, Morris Kohn, Elias and Henry Greenebaum. Mr. Marx L. Mayer is a brother of Leopold Mayer, the well-known teacher and banker of Chicago, now retired. Isaac Wolf lived for one year in Joliet, Ill. He was the first to peddle with a horse and wagon in the vicinity of Chicago, and the first Jew to join the Free Masons in Joliet. Mr. Morris Kohn was one of the passengers on the first trip of the boat which commenced to run from Chicago to Joliet in 1848, after the Illinois and Michigan canal was completed. He states that at that time a Jewish farmer used to come into the city with kitchen vegetables which he raised on his farm near Chicago. Mr. Elias Greenebaum is the senior member of the banking firm of Greenebaum Sons. He has passed the four-score year mark, but is still hale and hearty and very active for such an advanced age. Mr. Meyer Klein was noted above and Mr. Henry Greenebaum will be mentioned later in this sketch.

The strong tide of Jewish immigration to Chicago commenced in 1849, after the completion of the Illinois and Michigan Canal and of the Galena and Chicago Railroad to Elgin. At that time Chicago became a center of trade, attracting Jewish families from near and far, as permanent settlers, so that in 1850 there were about 200 Jews in Chicago.

The first Jewish organization in Chicago was established in 1845, under the name of "Jewish Burial Ground Society," of which Isaac Wormser was the president. This society purchased from the city one acre of ground for a cemetery,

paying for it the sum of $46. This was the first act by which the Jews of Chicago demonstrated their existence as a body corporate. This cemetery was located on the north side, east of the then city limits, along the shore of Lake Michigan, now within the confines of Lincoln Park. This first Jewish cemetery of Chicago had to be abandoned as a burial ground in 1857, the city having become meanwhile so extensive, that the cemetery was within the city limits.

Religious services were held for the first time in the Jewish settlement of Chicago on the Day of Atonement, 1845. The temporary congregation met in a private room above a store on Wells street, now Fifth Avenue.

The following persons were present: Benedict Schubert, Jacob Rosenberg, S. Friedheim, who lived at Pigeon Woods, west of Elgin, Ill., the brothers Julius, Abraham, Morris and Mayer Kohn, Harry Benjamin, Phillip Newburg and Mayer Klein. The last two officiated as readers. As but a *minyan* (ten male adults, the requisite number for public worship) was present, the services had to be discontinued whenever one of the congregation left the room and the hazan and assembly waited until the absent member returned. The second public services were held on Yom Kippur of 1846, also in a private room above the dry goods store of Rosenfeld & Rosenberg, 155 Lake street. The cantors on this occasion were Phillip Newburg and Abraham Kohn. Not many more worshippers were present at this service than at the first. The brothers Kohn brought a *sepher torah* with them from Germany, and this scroll of the law was used at both services.

The population of Chicago was growing rapidly and the Jewish settlement kept pace and constantly increased in numbers. The need of a permanent congregation soon manifested itself and on the 3rd day of November, 1847, about twenty Jewish co-religionists assembled in the store of Rosenfeld & Rosenberg, 155 Lake street, and formed a congregation under the name of "Kehilath Anshe Mayriv" ("Kehillath Anshé Maarabh," it should have been, which is the correct Hebrew

for "Congregation of the Men of the West.") The Burial Ground Society turned over its property to the congregation and disbanded. On November 4, 1847, a constitution was adopted and signed by the following fourteen members: Abraham Kohn, Jacob Rosenberg, Samuel Cole, Morris L. Leopold, Phillip Newburgh, Benedict Schubert, Leon Greenebaum, Levi Rosenfeld, Jacob Fuller, M. Becker, Isaac Wormser, B. Stern, M. Braunshield, Judah Kohn. The following officers were elected: President, M. L. Leopold; vice-president and treasurer, Abraham Kohn; secretary, Phillip Newburgh; trustees, Benedict Schubert, Levi Rosenfeld and Leon Greenebaum.

President Leopold was at the time of his election, a young man of twenty-six years. He was born in Laubenheim, Wurtemberg, April 10, 1821, and came to America in 1839. In 1845 he married Miss Rose Goodheart, of Cincinnati, and in the same year they moved to Chicago. He was a man of good administrative ability and managed the affairs of the young congregation with untiring devotion. In 1851 he returned to Cincinnati, where he remained until 1867. He then removed to New York city where he died October 22, 1889.

Rev. Ignatz Kunreuther, of New York, was the first spiritual guide of the congregation. He was elected Rabbi, shochet and reader on November 5, 1847, and remained with the congregation for six years. He then resigned his position and retired to private life. He engaged later in the real estate and loan business and was quite successful. He died in Chicago June 27, 1884, seventy-three years old. The first regular service of Congregation K. A. M. was held on the second floor of a building on the southwest corner of Lake and Wells streets, in a room which was fitted up as a synagogue. This room was soon found to be too small for the growing congregation and in 1849 the congregation leased a lot for five years on Clark street, between Adams and Quincy streets, where the new post office is now being built.

Here the first synagogue was erected. It was dedicated on Friday, June 13, 1851. This synagogue was soon too small and K. A. M. then purchased the northeast corner of Adams and Wells streets, to this lot the building from Clark street was moved and a basement built under it for a school and meeting rooms. A day school was established where the Rabbi of the congregation taught Hebrew and German and non-Jewish teachers instructed the pupils in the common school branches. This day school of congregation Anshé Maarabh existed for twenty years, from 1853 to 1873.

Among the prominent leaders of congregation K. A. M., the names of Abraham Kohn, Jacob Rosenberg, M. M. Gerstley and Rev. Liebman Adler deserve special mention. Abraham Kohn was the third president of K. A. M. He was born in Moenichsrath, Bavaria, in 1819. He received a very good education and was also well versed in Hebrew literature. He was a public-spirited citizen of Chicago and a born leader of men. In 1861 he was elected city clerk, under Mayor John Wentworth. While Abraham Lincoln was on his way to Washington in 1861, Mr. Kohn presented him with a silk flag inscribed with the following words from Joshua (verse 9, chapter I.): "Be strong and of good courage; be not afraid, neither be thou dismayed: for the Lord thy God is with thee whithersoever thou goest." Abraham Lincoln was very much pleased with this flag and acknowledged receipt in an autograph letter to Mr. Kohn. Mr. Kohn was an enthusiastic advocate of the establishment of a rabbinical college in this country, corresponded with the late Dr. Isaac M. Wise, of Cincinnati, on this topic and a number of his letters on the subject were published in the *American Israelite.*

His services to congregation K. A. M., first as vice-president and then as president, were of inestimable value and the members followed his leadership with the greatest confidence. He held the office of president for three years, from 1853 to

1856. He died in Chicago in March 1871, deeply mourned by the entire community.

Jacob Rosenberg became a very prominent citizen of Chicago. He was elected a member of the city council in the reform movement of 1876 and served for two years with credit. He was auditor of the Chicago Industrial Exposition for several years. As trustee of the estate of Michael Reese, of San Francisco, Cal., who left the sum of $200,000 for charity, Mr. Rosenberg rendered valuable services to the Hebrew charities of Chicago. He founded the Michael Reese Hospital. For over fifty years he was vice-president of congregation K. A. M. He was an able, faithful and devoted officer. In 1888 he donated twenty acres of valuable land to the congregation, in the town of Jefferson, for a burial ground. This burial ground is now known as "Mount Mayriv Cemetery." Mr. Rosenberg died in Chicago March 31, 1900. In his will he bequeathed nearly $40,000 to charity.

Mr. M. M. Gerstley, the eighth president of K. A. M., was born in the village of Fellheim, Bavaria, August 17, 1812 and came to America in 1839, living in Pennsylvania until 1848, when he moved to Chicago. He received a superior education. He was elected president in 1861 and for thirty years he held the office to the greatest satisfaction of the congregation. He was a student and a thinker, of a religious turn of mind, well versed in Bible and rabbinical literature and he also loved progress. After a long and useful life he was gathered to his fathers, April 29, 1893.

Rev. Liebman Adler was born January 9, 1812, at the town of Lengsfeld, in the Grand Duchy of Saxe-Weimar. In 1854 he emigrated to America. He was a teacher of great ability, having received instruction in the best schools of his native country. He also studied rabbinica under the famous Rabbis and Hebrew scholars of Frankfort-on-the-Main. Shortly after his arrival in this country, he was elected preacher in the Detroit congregation, where he remained for nearly seven years. He was then called to Chicago by con-

gregation Anshé Maarabh and for more than twenty years he preached in the pulpit and taught in the school of K. A. M., and became a blessing to the entire community. Rev. Liebman Adler was a true American patriot. During the years of doubt, when the fate of the Union hung in the balance and the stoutest hearts failed and faltered, he flashed rays of hope into the hearts of his fellow-citizens by his earnest, wise and inspired words. He sent his only son, Dankmar Adler, who afterwards became a great architect, to enlist in the Union army and his example sustained with hope and courage many a family in those days of dark despair.

On the 29th of January 1892, Rev. Liebman Adler, at the age of eighty years, closed his blessed career.

For a complete history of the religious development of congregation Anshé Maarabh, I refer the reader to the "History of K. A. M.", by Dr. B. Felsenthal and the writer of this sketch, issued under the auspices of the congregation in 1897 on the occasion of its semi-centennial celebration.

In 1851 a number of young Jews organized "The Hebrew Benevolent Society," for the mutual benefit of its members, to nurse the sick and to give proper burial to the dead. Following are the names of the organizers: Moses Rubel, Michael Greenebaum, Mayer L. Klein, Elias Greenebaum, Levi Klein and Isaac Wolf. The Society purchased for $600 three acres of ground in the town of Lake View, a little south of Graceland Cemetery, and laid it out as a burial place. The society still exists and owns this burial ground.

The second Jewish congregation in Chicago was established in May, 1852, under the name of "B'nai Sholom," mostly by co-religionists coming from the Prussian province of Posen. This congregation was started by eleven members. Mr. S. Harris was the first president and Henry Greenebaum the first secretary. In 1853 the congregation bought one acre of ground from the Hebrew Benevolent Society for $400, for a cemetery, and this burial ground is still used by B'nai Sholom. Shortly after the organization of Congrega-

tion B'nai Sholom and in connection with it were established a Ladies' Relief Society and Relief Society No. 2.

The year 1858 marks the beginning of the era of Jewish Reform in Chicago. In that year the "Jüdische Reformverein" was instituted, of which Mr. Leopold Mayer was elected president, and Dr. B. Felsenthal, secretary. The establishment of this society subsequently led to the organization of the Sinai Congregation of Chicago.

In 1859 the Hebrew Relief Association was established. The main aim of this association was to provide for a hospital in which poor co-religionists should be attended to when sick. On November 20, 1859, the executive board held its first meeting and elected Henry Greenebaum, president, Isaac Greensfelder, treasurer, and Edward S. Salomon, recording secretary. On September 2, 1867, the corner-stone was laid of the first Jewish Hospital of Chicago. The hospital was built on a lot 130 feet front and 170 feet deep; $7000 was paid for the ground and the cost of the building reached the sum of $25,000. On October 9, 1871, this hospital was completely destroyed by the great fire. The lot was subsequently sold and the proceeds added to the building fund given by Jacob Rosenberg, as trustee of the Michael Reese estate, for the erection of the Michael Reese Hospital, the present Jewish Hospital of Chicago. A number of other great and good institutions are now connected with the hospital and the United Hebrew Charities, as the old Hebrew Relief is now called, but here is not the place to mention them all. In this sketch I only aim to give brief outlines of the history of the Jewish community from the beginning to the year 1871, the year of the great Chicago fire. During this terrible conflagration all the documents which could have been of assistance to the future historian were destroyed and the chances of gathering new information in regard to the primitive period in the history of the Jews of Chicago are fast disappearing.

As some of the leaders of the Hebrew Relief Association

are pioneers of the Jewish community of Chicago, I will briefly touch upon their life and achievements.

Mr. Henry Greenebaum, the first president of the Hebrew Relief, was born in Eppelsheim, Germany, June 18, 1833. He received a good education. Upon his arrival in Chicago in 1848, he commenced the good and noble work of promoting the interests of the city and in aiding the Jewish community to reach a high standard. The irresistible force of his energetic individuality gave the impulse to the creation of many of the religious, benevolent, educational and social institutions and his enthusiastic nature and lofty idealism extended their beneficial influences. He was alderman of Chicago, and presidential elector on the Douglas ticket. He represented Cook County on the first Equalization Board of the State and was a member of the West Park Commission during the administration of Governor Palmer. He was one of the founders of Sinai Congregation, and he established Zion Congregation and was its president for seven years. The Jewish community of Chicago honors him to-day as the acknowledged leader of over half a century.

Isaac Greensfelder, the first treasurer of the Hebrew Relief Association, was born in Lehrberg, Bavaria, in 1827, and arrived in Chicago in 1852. Here he engaged in the wholesale shoe business, in which he was very successful. He devoted almost his entire life to charitable work. For thirty-four years he has been an officer of the Hebrew Relief Association and its president for thirty-two years. He is also a director of the Jewish Orphans' Home. Last year he retired from the presidency of the United Hebrew Charities on account of his old age.

Edward S. Salomon, the first secretary of the Hebrew Relief, was elected Clerk of Cook County in 1861. He joined the 24th Illinois Regiment as Second Lieutenant. His bravery on the battle-field gained him quick promotion. In 1862 he was gazetted Major of the regiment, and near the end of the war he was brevetted to the rank of Brigadier-

General. President Grant appointed him Governor of Washington Territory, which position he held for four years.

Sinai Congregation was established April 7, 1861. The congregation was chartered on July 20 by the Secretary of State of Illinois, and the following were the incorporators: Benjamin Schoeneman, Leopold Mayer, Raphael Guthman, Joseph Liebenstein, Benedict Schlossman and Elias Greenebaum. Mr. B. Schoeneman was the first president. The congregation first worshipped in a frame building, a former Christian church. The first temple of Sinai Congregation was located on Monroe street, between Clark and La Salle streets. The first minister of Sinai Congregation was Dr. B. Felsenthal. He remained with this congregation for three years, when he declined a re-election. For a complete history of Sinai Congregation I refer the reader to the "History of the Jews of Illinois," by the writer, published in the *Reform Advocate,* May 4, 1891.

The Zion Congregation was organized in the summer of 1864. It held first divine service on the eve of Rosh ha-Shanah 5625 (September 30, 1864). The first house of worship was located on Desplaines street, between Madison street and Washington Boulevard. The first president was Henry Greenebaum. Dr. B. Felsenthal was the first Rabbi.

Dr. Bernhard Felsenthal was born January 2, 1822, at Muenchweiler, near Kaiserslautern, in the Rhenish Palatinate. When still at school in Muenchweiler he was led into the field of Rabbinic literature by the district Rabbi, M. Cohen. He continued his secular studies at the Polytechnic High School at Munich and also attended lectures at the University. In 1854 he emigrated to America and settled in Indiana. He came to Chicago in 1858. For twenty-two years he officiated as Rabbi in the Zion Congregation. In 1886 Rabbi Felsenthal was pensioned and retired from office. The work of Dr. Felsenthal as a leader in Israel has made an indelible impression. Especially will his pioneer labors in the interest of Reform Judaism claim the attention of the

Jewish historians. As a man he stands high in the esteem of his fellow men, and as a Jewish savant he is looked up to as a scholar of great erudition. He has made many friends and few enemies during his long and useful career in the Chicago community. The Jewish community of Chicago recently celebrated his 80th birthday and many honors, high praise and sincere tokens of esteem were bestowed on this venerable, great and good teacher in Israel.

The North Side Hebrew Congregation was established in 1867 by thirty-two members. They leased a lot on Superior street, near Wells street, and erected thereon a frame synagogue, at a cost of $6000. Mr. Moses Shields was the first president and Mr. Samuel Glickauf the first treasurer. Rev. A. Ollendorf was the first minister.

In 1870 the B'nai Abraham Congregation was called into existence through the efforts of a few Jews of the southwest side of the city of Chicago. Mr. Moritz Oesterreicher and Mr. A. Pam were the leading spirits in this undertaking. Henry Orthal was the first president and Rev. Mr. Janko (now in his 83rd year, living at the Home for Aged Jews) conducted the services and superintended the religious school of the congregation.

The last congregation organized in Chicago before the great fire was the Rodef Sholom, now Beth-El Congregation. It was called into existence on Simchath Torah eve, 1871, the very night of the historical conflagration in Chicago. The first president was Moses Hirsch, and the first rabbi was the writer of this sketch. The congregation purchased a double lot on the corner of May and Second streets, to which they moved a frame church building from the corner of Huron and May streets. This church building was bought from a Norwegian congregation.

Chicago reached a higher standard and a more powerful position after the fire of 1871. The Jewish community had participated in all the sorrow and suffering of the prostrated city of its adoption, but it also shared fully in the vivifying

breath which swept towards the smoldering ruins from near and far. The Jewish community, too, gained rapidly after the fire, growing in numbers and in wealth, in significance and importance. There are at present in Chicago not less than 75,000 Jews, 20,000 German, 50,000 Russo-Polish, and 5000 from Austro-Hungary and other countries. The Associated Jewish Charities of Chicago collect over $100,000 annually for the support of the five main Jewish charity institutions of the city, the United Hebrew Relief Association, Michael Reese Hospital, Home for Aged Jews, Jewish Orphans' Home, and Jewish Training School. The names of the many new Jewish congregations, charity societies, clubs and fraternal organizations would fill a book. The Chicago Jewish community of to-day ranks next to the Jewish community of New York.

NEW MATTER RELATING TO MORDECAI M. NOAH.

By G. Herbert Cone, Esq., *Albany, N. Y.*

The career of a man who has achieved any degree of success in this life usually presents some peculiar and, to an extent, remarkable phases, and this is especially true as regards the life of the subject of this paper. Perhaps I am justified in saying that the mature years of Major Noah were filled with more than the ordinary number of stirring and interesting events. It is generally known that he was by profession both lawyer and journalist. His activities, however, were mostly confined to the latter profession. In politics he was an ardent Democrat, taking a decided stand in favor of President Jackson's views on the United States Bank question. In 1813 President Madison appointed him Consul-General to Tunis, and while serving in that capacity he was instrumental in freeing Americans who had been enslaved in the Barbary States. He was surveyor of the port of New York, sheriff of that county and judge of the Court of Sessions. It is not my purpose, however, to enter into any detailed account of his life.

In an article written by his son, Robert P. Noah, for "The Reformer and Jewish Times," published in New York city, on November 18, 1878, it is stated that Major Noah's father and family connections were all patriots of the revolutionary period, and it is preserved in the family traditions that General Washington attended on the occasion of the marriage of his parents in Philadelphia. His father was a citizen of Charleston, S. C., and his mother Zipporah Phillips, was the daughter of the well known Philadelphia merchant and patriot, the grandfather of the distinguished lawyer, Hon. Henry M. Phillips, living in that city, the birthplace of five or more generations of the Phillips family.

The one incident by which Major Noah is best remembered, is his attempt to found Jewish colony on Grand Island, in the Niagara River, near Buffalo. His idea was to purchase that island from the State of New York and devote it to this purpose, with himself at the head as a sort of judge in Israel. The details of that project are familiar to the members of this society through the article of Mr. Max J. Kohler on "Some Early American Zionist Projects." (Publications No. 10.) Since that article was written a search of the legislative records of this State has revealed the fact that Major Noah petitioned the Assembly for a grant of Grand Island, and that body gave very favorable consideration to the scheme, as the following proceedings will attest:

Wednesday, January 19, 1820. "The memorial of Mordecai M. Noah, of New York, praying the State to authorize the sale to him of Grand Island, in the Niagara River, was read and referred to the select committee consisting of Mr. Ulshoeffer, Mr. Hatfield and Mr. Oakley." (Assembly Journal, p. 117.)

Monday, January 24, 1820. "Mr. Ulshoeffer from the select committee to whom was referred the memorial of Mordecai M. Noah, of the city of New York, relative to the purchase of Grand Island, reported:

"That the petitioner applies to the State for a grant of the said island, for the purpose of attempting to have the same settled by emigrants of the Jewish religion from Europe; that he not only considers the situation of Grand Island as well adapted for the contemplated purpose, but that the obtaining of the title from the State would be very advantageous in inducing the emigration of capitalists, as well as others.

"The committee did not doubt, but that the recent persecution of the Jews in various parts of Europe, may favor the views of the petitioner, and that the settlement of Grand Island would be a desirable object to this State. It is one of the greatest characteristics of the United States

that they offer an asylum to the unfortunate and persecuted of all religious denominations; but to preserve our equal rights, it is essential, as the petitioner states, that we should offer no preference to any sect. Without reference, therefore, to any object of the petitioner, which may be supposed to present a claim for any purpose of religion, but considering that the legislature has repeatedly declared its intention of affording equal protection and enjoyment to all who may inhabit within it, and that it is for the interest of the State to dispose of the said island, there can be no objection, in the opinion of the committee, to the grant thereof to Mr. Noah for value, in the usual way.

"They have accordingly prepared a bill, providing for the survey and sale of said island, agreeably to the prayer of the petitioner, which they have directed their chairman to ask leave to bring in."

"Ordered that leave be given to bring in said bill.

"Mr. Ulshoeffer, according to leave, brought in the said bill entitled 'An act directing the commissioners of the land office to survey and sell Grand Island, in the Niagara River, to Mordecai M. Noah,' which said bill was read the first time, and by unanimous consent was also read the second time and committed to the committee of the house." (Assembly Journal, 1820, p. 197.) The bill was never passed, and it is known that Major Noah never acquired title to any part of the island.

In the year 1817, Major Noah was the editor of the "National Advocate," a newspaper published in the city of New York, and of which Naphtali Phillips was the then proprietor. Shortly after the election of Governor Clinton, to whom Major Noah had been bitterly opposed, the publishers of certain newspapers, likewise opposed to Governor Clinton's election, attempted to curry favor with the administration in the hope of obtaining patronage through State printing. This evidently aroused Major Noah's ire and in the columns of his newspaper he sought to circumvent their

plans. In some mysterious manner a letter from one of these publishers, which had been sent to the editor of another newspaper in the city of New York, came into Noah's hands, with the seal broken, as he claimed, and before its delivery to the person to whom it was addressed. Curiously enough this letter not only related to the securing of a part of the State printing by the senders thereof, but also referred to Noah as "a wretch." Noah promptly published this letter in his paper with caustic annotations. We will quote one part of the letter and a brief part of Noah's comment thereon.

This is the passage of the letter: "We wish to have something done this winter by the Republicans, to distribute the printing of the State laws more generally among the printers of the State; the patronage of the State printer is enormous."

This is the comment, in part: "We should like to have a peep at these truly disinterested gentlemen when reading their letter in our columns. Blush they cannot; men who merely change ground to share the patronage of the State are past blushing. This, then, is to be the price of their coming out in favour of Mr. Clinton, and this confirms our position." For this Noah was charged with the offense of opening United States mail unlawfully. After a trial before a jury in the old Mayor's court, he was found guilty of the charge, but the conviction was subsequently set aside. (Noah's case, 3 City Hall Recorder, 13.) The editor of the "New York Columbian" was the person to whom this letter was addressed. He published an article in which he referred to Noah as the "Knight of the Broken Seal—who converted to his own use, property known to be stolen." For this publication, the editor was indicted for criminal libel, but at the trial the jury diagreed. (Alden Spooner's case, 3 City Hall Recorder, 27.) Nor was this the end of the incident for it seems that both Noah and Spooner, the editor of the "Columbian," were charged with contempt of

court in publishing articles reflecting upon the court in the trial of Noah's case, but upon the accused persons explaining that no contempt was meant, the court excused them. (3 City Hall Recorder, 31.)

The "National Advocate" failed for want of support and Major Noah started the "Enquirer," which was soon merged with the "Courier," under the name of the "The Courier and Inquirer." This merger took place in 1829, by Noah selling the entire establishment of the "Enquirer" to Messrs. James Watson Webb and Daniel E. Tylee, the proprietors of the "Courier," for $35,000, and upon that sale agreed not to engage in the newspaper business in either Albany or New York, or within eighty miles of the latter place, for the period of eight years, except that he was at liberty to connect himself with the paper thus merged. Subsequently he bought back the interest of Mr. Tylee in the "Courier and Enquirer" and became associated with Webb in publishing that paper. In 1832 he sold his interest thus re-purchased, to Webb and was desirous of starting another journal, but his agreement not to engage in the newspaper business in New York was still in force. He accordingly brought an action in the Chancery Court to have the agreement cancelled, upon the ground, among others, that he having become one of the owners of the paper which the agreement was designed to protect, it was no longer of any effect. This transaction is mentioned simply for the reason that in that action the court established an important principle in the jurisprudence of this State, namely, that an agreement by a person not to engage in a particular trade or business for a limited period and within a limited territory is not against public policy as tending to effect an unlawful restraint of trade. (Noah v. Webb, 1 Edwards' Chancery Reports, 604.) But this is, perhaps, of more interest to the legal fraternity than to the public generally.

After the death of General Harrison, Major Noah commenced the publication of the "Union," in New York city,

and vigorously defended the Tyler administration. Upon the suspension of this publication, he accepted the editorship of the "Sun." During his connection with the "Sun" he founded the "Weekly Messenger," which was afterwards merged with "The Sunday Times and Messenger," and was thus employed at the time of his death in March, 1851. His son is authority for the statement that the "New York Herald" was started by James Gordon Bennett with the sum of $100, which Major Noah lent him, and that that sum was returned by Mr. Bennett nearly twenty years after.

In the memoirs of John Quincy Adams (vol. 5, p. 173) under date of September 7, 1830, Mr. Adams' estimate of the man is set forth in these terms: "M. M. Noah, editor of the "New York Advocate," who was once Consul at Tunis, recalled for indiscretions and who has published a book of travels against Mr. Madison and Monroe. He has great projects for colonizing the Jews in this country and wants to be sent as Charge d'affaires to Vienna for the promotion of them. He is an incorrect and very ignorant but sprightly writer and as a partisan editor of a newspaper has considerable power. He urges with great earnestness his merits in supporting the administration as a title to president's favor. He is, like all the editors of newspapers in this country who have any talent, an author to be let. * * He is salaried at a low rate by Anti-Clintonian Tammanies at New York to keep up a constant fire against the administration, and Noah pretends this is serving the general government because Clinton is a standing presidential candidate and carries on an insidious war against Monroe."

It is also reported of him that in 1822, and while he was sheriff of New York county, a yellow fever plague threatened the city, and he released the prisoners confined in the debtors jail in Ludlow street, in consequence of which act both himself and the sureties upon his bond, as sheriff, were compelled to pay heavy damages to the creditors of the released debtors. In connection with this incident, I am in-

debted to Mr. Leon Hühner, for the information that at that time certain zealous clergymen in the city of New York, denounced the city government for Noah's act, claiming that the plague was a devine visitation upon the city for choosing a Jew as sheriff.

A great many more interesting incidents of Major Noah's life might be related. When he conceived the idea of founding a Jewish colony on Grand Island, he issued a proclamation setting forth the advantages which it offered to the persecuted Jews of all countries, and this proclamation was printed in the European papers of the time. However visionary this project was, it undoubtedly directed the attention of our co-religionists in other lands to the benefits which our free and benign government offered to them, and thus his efforts must have resulted in influencing the emigration of the Jews to this country. His was an active life, and while he was often the subject of harsh criticism, his firm belief at that early date in American institutions and his solicitude for his race are not without their lessons.

NOTE ON ISAAC GOMEZ AND LEWIS MOSES GOMEZ, FROM AN OLD FAMILY RECORD.

By Miss Elvira N. Solis, *New York City.*

The record referred to is a copy of part of a manuscript entitled "The Genealogy of the Gomez Family down to the Year 1826" written by Isaac Gomez, Jr.[1] The writer does not always state the special sources from which he obtained his information, but makes general mention of his authority in an introduction to his narrative, as follows: "The genealogy of our family as far as I can trace from my own knowledge, as well as what I have had from my ancestors. It being necessary for every family to know from whence they sprang—more particularly when they come from highly respectable parentage (such as we have) which is the reason I have been thus particular."

From inscriptions in an old Spanish bible (of date 5421 corresponding to 1661), at one time owned by Lewis Moses Gomez, and in the possession to-day of one of his descendants,[2] I have been able to verify some of the statements of the record.

It is likely that Isaac Gomez, Jr. had access to this same bible, belonging as it did, at the time of his writing, to his kinsman, Benjamin Gomez,[3] which would account for the apparent agreement, and therefore I have in certain cases tested the accuracy of the dates given in the genealogical part of the record by comparing them, where possible, with the en-

[1] Born 1768; son of Moses Daniel Gomez and grandson of Daniel Gomez, who died 1780.

[2] Edgar J. Nathan, Esq., of New York City.

[3] Born 1769, died 1828, son of Matthias Gomez.

tries in the Register's office in New York, and in other books of reference. To cite an instance, the date of the death of Lewis Moses Gomez is stated (in the record) as having occurred March 31, 1740, and as this date differs from that given by Judge Daly and others[1] in their references to Lewis Gomez, I found, upon looking up his will,[2] that that document was proved May 7, 1740, and this date, it would seem, would confirm the date of the family record.

The record follows: "My great great grandfather, Isaac Gomez, was a Spanish nobleman, born in the city of Madrid, was a favorite at the Court, and particularly noticed by the King. (The coat of arms of the family I have.) The inquisition formed a plan to take him and his family into their custody, and confiscate his estate on account of his being a Jew. The King having found it out did, from his affection towards him, give him information by letter in terms not to be understood by any person but himself, which was in this way, 'Gomez, the onions begin to smell.' On which information he sent his wife and infant son Moses with a considerable property in money and jewels, as well as plate, to France; but before he could get ready with the residue of his property, to make his escape the inquisition laid hold of him, and made him a prisoner for fourteen years, and confiscated all the property which he had with him. Whether they liberated him, or he made his escape I am not informed, but at the end of [the] fourteenth year he got over to France, where he found his son had grown a fine youth. He after that had two daughters, one married and went to Leghorn, her name and connections I know not. The name of the other daughter was Leonora. He (our ancestor) died in France.

"My great grandfather, Lewis Moses Gomez, Esq.,[3] his only

[1] Cf. The Settlement of the Jews in North America, N. Y., 1893, p. 30. Also Vol. VI, Pub. Am. Jew. Hist. Soc., p. 127 and note.

[2] N. Y. Hist. Soc., Will Series, N. Y., 1894, Vol. III, p. 292.

[3] Born, Madrid, 1654; died, N. Y., 1740.

son, was named Moses, but in respect and gratitude to the King of France, whose country being the asylum of his family, he added to the name of his son that of Lewis; he therefore was known by the name of Lewis Moses Gomez. He, Lewis Moses Gomez, married Miss Esther Marhaze (or Marchado) by whom he had six sons—namely: Jacob, Mordecai,[1] Daniel,[2] David,[3] Isaac,[4] and Benjamin,[5] with whom, and his wife and daughter, he went over to Great Britain on account of religious disturbances, which had broken out in France (1685 Revocation of the Edict of Nantes) and not wishing to suffer as his father had done, he very wisely quit. (I am not well informed if it was not the Huguenot persecution that caused him to quit France, but am led to believe it was.) How long he remained in England I know not, but believe it was but a short time. He obtained a letter of denization from the Crown of England (which I have now in my possession) for him and his family to reside in America, granting him all the privileges of one of the most favored subjects, which was a matter of high importance as the Jews were far from being on the same footing with the people of the Christian faith. The privileges granted to him and his family were to hold land in fee simple and to hold offices both civil and military, equal to the most favored subject. This shows that his standing and descent were well known to the Crown of England. With this protection he came to this country about one hundred and twenty or thirty years ago, it being in the reign of Queen Anne. Here he purchased landed property and became a merchant. After being here some length of time a contested election took place (if I am rightly informed) between the families of Delanceys and Van Horns, he and his sons took the Delancey's side, which was highly opposed by the opposing family and their friends, in so much so as not to permit their votes to pass on account (for such was their plea) of their being Jews. Upon

[1] Died, 1750. [2] Died, 1780. [3] Died, 1769.
[4] Died, 1770. [5] Died, 1772.

which he sent to England and had his protection ratified (the papers attending the particulars I also have in my possession). The ratification came and was honorably acknowledged.

"The denization stands recorded in the archives of the City of New York in the then Secretary's, now register's office in the year 1717 in the book of general entries, Liber M. folio 216, compared and examined, signed J. Wileman, D. Secretary. My great grandmother died in the year 1718 on the 21st of May. My great grandfather Lewis Moses Gomez died on the 31st of March, 1740, being about 86 years of age. They were both buried in New York. * * * * Jacob Gomez, the first named son, died on the Spanish Main, being on a trading voyage. The Spaniards came on board the ship * * * (the captain and part of the crew were at the time on shore). They came in their boats—killed the mate and most of the remaining crew and officers." * * *

The rest of the manuscript is devoted to the genealogy of the family, and I have omitted it as having no general interest.

Appendix.

The letter of denization of Lewis Gomez referred to is filed in the office of the Secretary of State, at Albany. A copy has been deposited in the archives of this Society.

There are a number of references to the Gomez family to be found in the Register's office in New York City. Abstracts of a few are here noted:

June 17, 1703, affidavit given by Lewis Gomez as to goods imported by Joseph Nunes. (Lib. 25, p. 132.)

October 18, 1704, Lewis Gomez and Nathan Simpson testified that they were well acquainted with Joseph Nunes who died October 9th, 1704, who told them of goods imported. (Lib. 25, p. 232.)

June 9, 1703, receipt by Isaac Fernandez Diaz of £138, 12s 6d of Joseph Nunes, of New York, "by order of my

brother Isaac Gomez, merchant of London," which he promises to pay on demand. (Lib. 25, p. 130.)

February 7, 1714, certificate of citizenship of Mordecai Gomez and others—recorded June, 1715. (Lib. 28, p. 167.)

In the New York Historical Society collections—Abstracts of Wills, N. Y., 1894-1895, the names of Lewis Gomez and Mordecai Gomez appear as witnesses and also as Executors of wills. Vol. I, page 440, refers to will of Isaac Rodriques Marquise—"I desire Mr. Lewis Gomez and Mr. Abraham de Lucena to assist my wife in the management of her affairs, etc., date March 24, 1706-7." Vol. II, page 58, in the will of Joseph Nunes, dated September 2, 1704, Lewis Gomez is appointed executor. Ibid., page 4, will of Esther Brown, proved May 28, 1708, Mordecai Gomez appears as a witness. Ibid., page 250, letters of administration on Estate of Jacob Gomez granted to Lewis Gomez, merchant, June 16, 1722. Vol. III, page 54, will of Edmund Ward of East Chester, defines his lot of land as adjoining the lot of Mordecai Gomez, etc. Ibid., page 321, will of Uriah Hyman, proved January 14, 1740, Mordecai Gomez named as executor. Ibid., p. 223, Lewis Gomez as witness to will of Rachael Lewis, proved April 18, 1737. Ibid., page 292, the will of Lewis Gomez, as follows:

"In the name of God, amen. December 24, 1730, I Lewis Gomez, of New York, merchant, being in good health, I leave to my eldest son, Mordecai Gomez 'one pair of silver ornaments for the Five Books of Moses, weighing 39 ounces or thereabouts, in full satisfaction of his being my eldest son.' I leave to my sister Elenor Gomez £25 a year, to be paid by my sons; I also leave her a negro wench. If my sister chooses to live with my family, then instead of the £25 she is to have a sufficient maintenance. All the rest of my estate I leave to my sons, Daniel, David, Isaac and Benjamin, and I make them executors.

Witness, I. Braner, Frederick Williams, James Brown." Proved May 7th, 1740.

Vol. IV, p. 103, will of Sinya de Tores late of Jamaica, West Indies, widow * * * " all the rest of my estate, real and personal, I leave to my grandson, Moses Gomez, son of David Gomez of New York, merchant " * * * dated Feb. 16, 1742/3 Proved Nov. 13, 1740. Ibid., pp. 310-312. Will of Mordecai Gomez dated May 3, 1750, proved Nov. 12, 1750, gives certain real and personal property to his wife and children, a legacy to his mother-in-law, Rachel de Lucina, and leaves to his " granddaughter, Hester Gomez, now in Jamaica, West Indies, daughter of my son Moses, deceased, £100 " and the real estate which belonged to his deceased (first) wife, Hester Gomez.

REPORT OF THE COMMITTEE ON COLLECTIONS OF THE AMERICAN JEWISH HISTORICAL SOCIETY.[1]

At a meeting of the Executive Council, held at the house of the Honorable Oscar S. Straus, the following resolution was carried:

"That a committee of five be appointed by the American Jewish Historical Society to bring together originals, photographic or other copies, and fac-similes of important documents, prints, portraits, books, and other objects relating to American Jewish History, and that a sum not to exceed $250 be placed at the disposal of that committee for said purpose."

The chair thereupon appointed as such committee Mr. N. Taylor Phillips, Mr. Joseph Jacobs, Mr. Leon Hühner, Mr. M. J. Kohler and Dr. Cyrus Adler, the committee being empowered to add to its number.

The committee thus appointed have met together and discussed the best means of carrying out the wishes of the Executive Council.

The subject naturally divided itself into two sections according as the documents, etc., which it would be desirable to put on record were held in private or in public hands. From personal knowledge the members of the committee are aware that many items of interest for the early history of the Jews of this country are still held in the possession of private families; for example, there exist diaries of some of the early Jewish settlers of Georgia, original letters from Washington to the Jews, etc., which would be a distinct contribution to American as well as to Jewish history. The value of such documents can only be judged by personal inspection, and

[1] Prepared by Joseph Jacobs, Esq.

many of those holding them would not part with them for such an inspection until they could be assured of their safe custody. Before, therefore, making any application for an inspection of any family records, it would be necessary, in the committee's opinion, to have some place in which to store them. This chimes in with the suggestion that has frequently been made that a permanent *locale* be found for the Society's collections and as it is understood that steps are being taken to secure this within a very short time, the committee would recommend that any attempt to make application for such documents as are known to be in private hands be postponed till a permanent locale for the Society's collections be determined upon.[1] The committee are convinced that many holders of important documents, etc., would be willing even to donate them, if they could be placed in safe custody. Indeed, they are acquainted with several holders of important collections who are only awaiting the acquisition of a locale to donate or deposit them with the Society. Meanwhile it seems desirable to give publicity to the kind of objects, the whereabouts of which the committee would care to know, so that persons in possession of them may determine whether and how far they would be prepared to part with them at the appropriate moment.

Class I.—Historic Relics.

A. Relics and records (or photographs and descriptions) relating to the participation of the Jews in the discovery of America.

B. Inquisition records.

C. Title-deeds of earliest land and property holders.

[1] Subsequent to the preparation of this Report, the Society perfected arrangements with the Jewish Theological Seminary of America, pursuant to which a fire-proof room has been secured in the new building of that institution at No. 531-5 West 123d Street, New York, for housing its collections, present and prospective.

D. Historical records in MS.: (a) general, (b) synagogal, archives.

E. Letters and autographs of distinguished Americans about Jews.

F. Lists and mementos of Jews prominent in American Jewish history; MSS., diaries, letters, journals, autographs, coats of arms, pedigrees.

G. Records of Jews (not now living) who have received marks of distinction in America, medals for bravery, commissions, diplomas, etc.

H. Petitions and communications to State and National Legislatures on behalf of Jewish institutions.

Class II.—Portraits and Prints.

I. Portraits and prints of persons prominent in American Jewish history, rabbis, soldiers, patriots, public officials, professors, writers, artists, etc.

J. Portraits and prints of members of old Jewish families.

K. Portraits and prints of noted foreign Jews who have temporarily visited America.

L. Pictures illustrating Jewish family life, ceremonies, etc.

M. Photographs and prints of American Jewish graves, cemeteries and mausolea.

N. Pictures, photographs, models and drawings of synagogues and places of interest in American Jewish history.

O. Pictures, prints, book-plates, caricatures, curiosities, etc.

Class III.—Books, etc.

P. Pamphlets and books bearing upon American Jewish history; complete files of periodicals, almanacs, illuminated and other curious books, etc.

Q. Writings of American Jews, (a) on general topics, (b) on Jewish subjects, including sermons, prayer books, almanacs, etc.

R. Obituaries and newspaper items of Jewish interest; broadsheets, playbills, programs of ceremonies.

S. Histories and records of Jewish congregations and of philanthropic and educational institutions of America, reports and statistical tables, accounts of Conferences of Jewish Rabbis.

As regards the documents, etc., which exist in public or semi-public depositaries, it seems to the committee desirable to have, at any rate, a rough list of such documents drawn up before determining which of them should be fac-similed or photographed. As regards documents in Europe, the chief sources would appear to be the communal archives of Amsterdam, Bordeaux and London, state archives at Barcelona, Lisbon, The Hague, London, Madrid and Seville. The committee are of opinion that steps should be taken to organize searches in some of these centres with a view to getting lists of such documents as bear on American Jewish history. The public documents in the United States are being rapidly calendared by the State historians and the chief work needed here is a careful examination of current lists for the Jewish items. The committee therefore suggests that they be reappointed with directions to draw up a calendar of documents relating to the history of the Jews of this country which are already accessible in public depositaries.

Respectfully submitted,

JOSEPH JACOBS,
CYRUS ADLER,
LEON HÜHNER,
MAX J. KOHLER,
N. TAYLOR PHILLIPS,
Chairman.

ITEMS RELATING TO THE HISTORY OF THE JEWS OF NEW YORK.

By N. Taylor Phillips, LL. B., *New York City.*

Several of the West Indian and South American cities have their ancient synagogues still with them with services maintained, their records, archives, cemeteries and traditions are available, and even in places like Barbadoes where there are not a sufficient number of Israelites to hold regular services, I believe the ancient records are still carefully preserved and accessible, and, as is well known, many of the wealthiest and most influential Jews in Newport, New York, etc., came from that Island. It seems, therefore, that it only requires the asking and much valuable matter is at our disposal and the fountain-heads of American Jewish History are open to us.

One of the West India Islands which had a large and prosperous community of Portuguese Jews, with a handsome synagogue, was St. Eustatia. That community is now but a name, few, if any Jews still residing there, but their "God's Acre" is to-day eloquent on the subject of its past glory, and many an American Jewish family may be traced to the ancient ruins of its communal glory. It is of record that in the year 1772, the Island was visited by a severe storm of a variety not uncommon in the West Indies but of unusual vigor, and death and destruction were scattered in its wake. The synagogue was razed to the ground and almost the first thought of the zealous Israelites who composed the congregation was the re-establishment of the sacred edifice, and for that purpose addressed to the Congregation Shearith Israel, of New York, an appeal for aid, which is still of the archives of the congregation, written in

the Portuguese language, a brief translation of which is submitted together with the acknowledgment of the receipt of £ 38, which the Trustees of the Congregation appropriated to assist in the erection of the new synagogue of our brethren in that island:

"To the most dignified gentlemen, Parnasim Gabay and Trustees of the Congregation Shearith Israel.

Our Most Dignified Gentlemen:

With aching hearts with the greatest agony of our incomparable feeling, we address to you these lines hoping you will accept them and be aware of the great destruction from which the Almighty miraculously saved some of the inhabitants and dwellings when in the morning of August 31st, the sky being covered with dark clouds and raining, little by little a great hurricane appeared doing great disaster to all those who were out and in doors and it looked as not only the Island, but the whole world would come to an end on that day. The roofs of the houses were flying all over, the families were found under the ruins having no one to help them and all were in a very dangerous condition, with thunder, lightning and stones flying everywhere.

With great sorrow we relate to you the great misfortune with which the Lord punished us, causing us to witness the synagogue destroyed by the storm and trying to take the sefarim out of the ruins, which, thank God, we succeeded in doing, and now we are in the greatest misery known; still we are holding services in the home of the Lady Hannah, widow of Leon Benjamin[1] and we resolved to observe this day of Monday, September 7th, as a solemn day of fasting for the preservation of our lives and those of our dear families, praying to the Almighty that we should never again experience such a misfortune, our sins having caused us to see our holy synagogue destroyed; and now we ask of you with humble supplications to assist us and that without your aid it will be impossible to rebuild our holy synagogue.

We hope you will grant our petition, and pray to the Almighty for the existence of this holy Synagogue, and may the Lord reward you and your families with happiness and prosperity.

Respectfully yours,

Parnasim Gabay and Trustees of the Congregation Honen Dalim.

[1] Or Benjamin de Leon.

Committee on the Sacred Building.

SOLOMON DE LEON, DAVID R. FURTADO,
SAMUEL HOHEB, JUNIOR. JUDAH BENJAMIN,
DAVID R. FURTADO, SAMSON MEARS,
S. DE GEORGE, (*Gabay*)
JOSHUA DE MOSES LEVI PEIXOTTO

and all the members of the Board of Trustees.

ST. EUSTATIUS, 1st October, 1772."

Sometime after forwarding the donation the following letter was received by the Trustees of the Congregation Shearith Israel written in English.

"ST. EUSTATIA, July 8th, 1773.

We had the honor to receive your favour of the 14th May, covering Rect. for £38.10.6 which we duly Recd.

Your pious donation we shall ever retain with a full sense of gratitude, and offer our fervent prayers for the prosperity of your congregation.

We sincerely thank you for your cordial good wishes toward this Congregation; and with a disposition ready to serve yours on all occasions, We remain very respectfully, Gentlemen your much Obliged humble Servants,

(Signed)

DAVID R. FURTADO,
(Endorsed) M. DE SAUL MENDES.

To The Parnasim & adjuntos of K. K. Sherith Israel at New York."

Before dismissing the subject it may perhaps be proper to say that the synagogue was erected in due course. It would be of value to learn its history, when it was finally closed and the circumstances attending the same. I quote the following from a well-known work:[1]

"In the year 1781 St. Eustatius was a Dutch possession and was compelled to surrender to the British. The unfair treatment accorded to these inhabitants by the invader brought forth many remonstrances from prominent merchants in the West Indies and these were presented to Admiral Rodney.

[1] History of the British Empire from the year 1765 to the end of 1783 by a "Society of Gentlemen." Philadelphia, 1798, Vol. 2, page 72.

Rodney resented this remonstrance and at once declared that the West Indian merchants themselves were traitors as well, a comment which called forth a spirited reply from the merchants of St. Christophers.

In regard to the petition concerning St. Eustatius however, Rodney declared that "The Island was Dutch, every thing in it was Dutch, was under the protection of the Dutch flag, and as Dutch it should be treated."

The proceedings of the British commander now fully evinced how determined he was to keep his word. The beginning of the storm fell upon the Jews, of whom there were a considerable number on the Island, and who were very wealthy. Several of these were driven from their habitations with many circumstances of indignity, and banished they knew not whither. In this miserable and naked state they were transported as outlaws and landed on the Island of St. Christophers where the Assembly to their great honor passed an act for their present relief and future provision until they should have time to recover from their calamitous situation. These exiles were soon followed by the Americans, some of whom had been obliged to fly their native country on account of the part they had taken in support of the cause of Britain. These unhappy people were sent to St. Christophers in much the same plight as the Jews."

In the Publications of this Society, No. 3, a scholarly article by Rev. George A. Kohut, on early Jewish literature in America, directs attention to the well-known and intellectual Pinto family and intimates that any matter relating to them could not but be of interest. The Rev. Joseph Jessurun Pinto, who was the Minister of the Congregation Shearith Israel of New York from 1759 to 1766, was a distinguished member of that family. He did much for the Congregation, not the least being the arrangement and reduction to writing of the Perpetual list of Hashcaboth (Prayers for the dead), which had previously been recited by the Ministers at the appointed times from memory, the preparation in 1759 of a table of time for commencing the Sabbath for the meridian of New York, which has ever since

been used by the Congregation and is in force at the present time; the marked attention which he gave to the records of the Congregation and the stated reports made over his signature to the Board of Trustees of all vital statistics, etc. He was learned in the Jewish Law and thoroughly conversant with the Spanish and Portuguese languages, and a man of culture and refinement. He married in 1762, Rebecca, daughter of Moses de la Torre, of London, who came from that city to marry him. His marriage contract (Ketubah), is of the records of the congregation, but before she came to New York he sent a commission to Dayan de Crasto, of London, to give Kiddushin to Miss de la Torre for him, or a species of marriage by proxy. This is in Hebrew and a translation of the same follows:[1]

"Into our presence, the witnesses undersigned, came the Reverend Joseph Jessurun Pinto, and said unto us: Witness for me, and take my Pledge in every language and be signers, to wit: That I, willingly and without compulsion, but willingly and freely do give from my own possession four cubits as a gift to the Very Rev. Dayan and Hazan David, son of Isaac de Crasto, and I hereby appoint, authorize and empower him, as my representative and personator, to give Kiddushin for me to Miss Rebecca, daughter of Moses de la Torre, wherever she may be, 'in accordance with the Laws of Moses and Israel,' in all respects his hand to be as my hand and his words as my words. All this was said in our presence, the witnesses undersigned, by the above mentioned Joseph Jessurun Pinto and he appoints and empowers the above mentioned David de Crasto to give Kiddushin for him to the aforesaid Rebecca de la Torre by the responsibility and binding force of this bill of appointment, and power to act in his behalf as fully as all bills of appointment and power are accustomed in Israel, when drawn up in proper form, and in accordance with the ordinances of our Sages, of blessed memory, and not as a mere memorandum nor as an ordinary

[1] See on the subject of marriages by proxy "Jewish Life in the Middle Ages" by Israel Abrahams. Jewish Publication Society of America, 1896, p. 176.

note; and we accept a solemn pledge from the aforesaid Joseph Jessurun Pinto in regard to all that is written above. Said Joseph swears with a sacred oath and gives his hand by the Name of God and by all who swear truthfully that he will perform all that is written above for and on his behalf and that he will not annul this commission, appointment and power.

All this was done here in the City of New York on Wednesday, Rosh Hodesh Hesvan, the Thirtieth day of the month of Tishri, in the year Five thousand five hundred and twenty-two, A. M.

All was explained, specified and confirmed.

I agree to the above,

JOSEPH JESSURUN PINTO,

SAML. JUDAH. MYER MYERS.

Abraham, son of Isaac,
(of blessed memory).

We three were sitting together as an Ecclesiastical Court when this document was brought before us, and the witnesses testified to their signatures as being from their hands and we confirm it as appears by our signatures.

JACOB FRANKS, MANUEL JOSEPHSON, JOS. SIMSON."

The names appended to this are interesting. Samuel Judah was born in New York, August 19, 1728, married Kislev 29, 1759, Jessie, daughter of Alexander Jonas, of London. She died in New York, May 29, 1818, aged 82 years, while he departed this life in Philadelphia, October 19, 1781. He was a son of Baruch Judah (and Sarah Hilbert, the latter born in England, died in New York, 1749), who died January 12, 1774, aged 95 years, and grandfather of Samuel B. H. Judah, at one time the only Jewish lawyer practicing in New York City. His, Samuel's brother Hillel (Hilliard) married at New Eberdain in 1759, Abagail, daughter of Isaac Mendez Seixas and Rachel Levy and had the following children: Sally, born 6th of March, 1760; Isaac, born 10th of July, 1761; Baruch H., born 21st of June, 1763; died in Richmond, Va., September 26, 1830; Jacob, born 4th of May, 1765; Gershom Seixas, born October

12, 1767; Manuel, born July 15, 1769, died in Baltimore, Md., November 8, 1834; Rachel, born July 3, 1772; Abraham, born July 15, 1774; Grace, born 27 Menahem, 1780. Mrs. Hillel Judah who survived her husband died in Richmond, Va., September 1, 1819, aged 77 years. The Judah family have been prominent in the Congregation Shearith Israel, of New York for above a century and a half, and some of their descendants (but none bearing the name), are members at this time.

Myer Myers married March 18, 1767, and was the father of Moses Myers, born January 18, 1771, and of Samson Mears Myers, born December 5, 1772, died August 5, 1805. Myer Myers, widow, Mrs. Joyce Myers, née Mears, died in Richmond, Va., July 19, 1824, aged 87 years. Jacob Franks I referred to at length in my article on the Levy and Seixas families of Newport and New York.[1] Manuel Josephson, who flourished prior to and during the Revolution and was Parnas (President) of the Congregation several times, was married to Miss Ritzel Judah, daughter of Baruch Judah and sister of Samuel Judah, before mentioned, 18 Iyar, 1759 and removed to Philadelphia, when the Synagogue in New York was closed in 1776. The records of the Congregation thus mention their marriage: "1759"; The day of Lag Lahomer 18 Iyar, was married, Mr. Manuel Josephson to Miss Ritzel Judah." He was President of the Congregation Mickve Israel, of Philadelphia, in 1790, as I will show presently, and died 20 Tebet, 5556-1796. Joseph Simson who was known in the Congregation by the title of Rabbi, was the father of Sampson Simson one of New York's early merchants and one of the founders of the New York Chamber of Commerce in 1768. Sampson Simson died unmarried August 29, 1773. His brother Solomon Simson, born September 1738, died 1801, and was the father of Sampson Simson, who was probably New York's first Jewish lawyer,

[1] See *Publications Am. Jew. Hist. Soc.*, No. 4, p. 189, *et seq.*

as he graduated from Columbia College in 1800. He is remembered as the founder of Mount Sinai Hospital of New York; died January 7, 1857, aged 75 years.

After the inauguration of General George Washington, as the first President of the United States, the Jewish Congregations felt called upon to express to him congratulations and assurances of their support and the Congregation Shearith Israel of New York, as the oldest, was by common accord expected to formulate a joint address on behalf of all of them, but while securing the written consents of the Congregations to this arrangement, for formality was omnipresent in communal affairs and means of communication between the several cities difficult and slow, the Congregation at Newport, R. I., through its President, Moses Mendez Seixas, acted independently on August 17, 1790, under the impression that the joint arrangement had been abandoned and the Board of Trustees of the Congregation Shearith Israel of New York, ascertaining by a communication addressed to Mr. Isaac Moses, President of the Congregation by Mr. Manuel Josephson, President of the Congregation Mickve Israel of Philadelphia, that his Congregation was about to do the same, the Trustees of the Congregation Shearith Israel thereupon requested Mr. Josephson to join them in his address and also the Congregations of Richmond, Va., and Charleston, S. C., whose letters of authority had in the meantime been received. The Trustees then sent to Philadelphia, Mr. Isaac M. Gomez, the Clerk of the Congregation, bearing their communication in reply to Mr. Josephson, a copy of which follows:

"NEW YORK, Nov. 25, 1790.

SIR.—Mr. Moses laid before the Board of Trustees a paragraph of your letter respecting the address. The Congregation will take it kind not alone to include them, but our Bretheren of Charleston and Richmond, who have authorized us to comprehend them in paying our respects to our worthy President. Our Congregation would be highly pleased to have their intentions mentioned, and the reasons why he was not

addressed by us we waited the authority of including all our Bretheren on the Continent—the Corrisponding with them and their answers delayed our Intentions until just previous to his departure,[1] the present appearing a most favorable time are happy in Uniting with your Congregation for this purpose. The Letters from S. Carolina & Virginia will be forwarded by this Conveyance for your Inspection.

Please to accept our best wishes for the prosperity and happiness of your Congregation.

By order of the Trustees.

SOLOMON SIMSON, *President.*

TO MR. MANUEL JOSEPHSON,
Parnas of K. K. M. Israel
The Congregation of &c., in Phila '

The address which the Trustees of the Congregation Mickve Israel, of Philadelphia, prepared on behalf of the Congregations of New York, Charleston and Richmond, to which the foregoing alludes and General Washington's reply thereto dated December 13, 1790, are published in full in Henry S. Morais, "The Jews of Philadelphia," pp. 20 and 21.

Several of the Presidents of the United States besides the first are on record regarding their attitude towards and estimation of the American Jewish character. Some of the ablest and most famous such as Jefferson, Adams and Madison, have spoken in praise of or in sympathy with Hebrews of the United States. It is only recently, however, that it was called to my notice that the tenth president, John Tyler, of Virginia, had joined some of his predecessors in a public expression on the subject of the Jews, notwithstanding that I was aware from my father who was one of his intimates, that he was an extremely tolerant and upright executive, although the histories which are usually influenced by the political controversies of his time frequently portray him as a man more disposed to force than justice. This is probably induced by the stormy experiences of his administration, oc-

[1] From N. Y. City, the capital of the United States being removed to Philadelphia at this time.

casioned in some part by the fact that he was the first vice-president to succeed to the chief magistracy.

For the following letter I am indebted to the late Hon. Joseph Blumenthal, who was kind enough to present it to me. It is in reply to a letter of Mr. Joseph Simpson to the President (copy of which I have), relative to General Scott, then General of the U. S. Army presiding at a missionary conference. The President's letter follows:

WASHINGTON, July 10, 1843.

DEAR SIR:

The Notice which you mention in your letter of the 3d instant has only been called to my attention by your reference to it. I presume that it is nothing more than a contemplated assemblage of certain officers of the army and navy *in their character of citizens and Christians*, having for its object the inculcation upon others, of their religious tenets, for, as they believe, the benefit and advantage of Mankind. A similar call on the part of any other religious sect would be alike tolerated under our institutions. The Government has nothing to do with the publication, nor has it issued from any one of the departments. Whether General Scott is to preside over the meeting, I am not in any way other than through your letter informed. If he attends, it will not and cannot be in his character of General in Chief of the army. He will necessarily for the time being lay aside his sword and epaulets, and appear it is true as a distinguished citizen, but in no other light than as a citizen. Was he a Hebrew and of the same tribe with yourself, his right to preside in your synagogue, if permitted or required by your laws would in no manner affect him in his military character; nor would it make him obnoxious to the censure of the Government for so doing. The United States have adventured upon a great and noble experiment, which is believed to have been hazarded in the absence of all previous precedent --that of total separation of Church and State. No religious establishment *by law* exists among us. The conscience is left free from all restraint and each is permitted to worship his Maker after his own judgment. The offices of the Government are open alike to all. No tithes are levied to support an established hierarchy, nor is the fallible judgment of man set up as the sure and infallible creed of faith. The Mohammedan,

if he were to come among us would have the privilege guaranteed to him by the constitution to worship according to the Koran; and the East Indian might erect a shrine to Brahma if it so pleased him. Such is the spirit of toleration inculcated by our political institutions. The fruits are visible in the universal contentment which everywhere prevails. Christians are broken up into various sects but we have no persecution, no stake or rack—no compulsion or force, no furious or bigoted zeal; but each and all move on in their selected sphere, and worship the Great Creator according to their own forms and ceremonies. The Hebrew persecuted and down trodden in other regions takes up his abode among us with none to make him afraid. He may boast as well he can, of his descent from the Patriarchs of Old—of his wise men in council, and strong men in Battle. He may even more turn his eye to Judea resting with confidence on the promise that is made him of his restoration to that Holy Land, and he may worship the God of his fathers after the manner that that worship was conducted by Aaron and his successors in the priesthood, and the Aegis of the Government is over him to defend and protect him. Such is the great experiment which we have tried, and such are the happy fruits which have resulted from it; our system of free government would be imperfect without it.

The body may be oppressed and manacled and yet survive; but if the mind of man be fettered, its energies and faculties perish, and what remains is of the earth, earthly. Mind should be free as the light or as the air.

While I remain connected with the Government be assured, Sir, that so far as the Executive action is concerned, the guarantees of the Constitution in this great particular will know no diminution.

For your kind expression of good will towards me personally, I beg you to accept my thanks along with my best wishes for your health and happiness.

JOHN TYLER.

The name Joseph Simpson I was not familiar with until a gentleman who knew him personally,[1] informed me that he was a resident of Baltimore, Md., for many years, came

[1] The late Dr. Aaron Friedenwald, of Baltimore, Md.

from Prague and is known to have resided in Baltimore, Md. in 1828, and probably before that date. He was highly respected, being a man of scholarly attainments and of generous character. He was a lapidary seal engraver, did excellent work and probably one of the pioneers of this art in America. He was very sensitive to any attack upon the Jews or Judaism and would readily enter a controversy to promote justice.

In 1853 he published a pamphlet entitled the "Scapegoat" with a very curious frontispiece representing a scapegoat riding a rooster, which was provoked by an article appearing in one of the Baltimore newspapers entitled, "On the Day of Atonement" which he attributed to a Christian missionary. The above-mentioned pamphlet is preserved in the library of the late Dr. Joshua I. Cohen. His means were small but he was of a very charitable disposition and although a bachelor adopted two Christian orphans, a brother and sister and raised them as Christians to manhood and womanhood. He died February 21, 1857, aged 65 years. He was not related to the New York family of similar name.

Philadelphia, as is well known, was thoroughly patriotic during the Revolution and many sacrifices were made by its liberty-loving citizens for the sake of freedom. Not the least of these was the acceptance by them of the many varieties of promises to pay, with doubtful or no security, issued under the authority and in the name of the new United States in large amounts and at liberal discounts, varying with the prevalence of our arms in the field. Some of this money belonging to my great-grandfather, Jonas Phillips, is still in the possession of his descendants, and the following is a copy of one of several which I have:

"No. 11,284. I certify that there is due from the United States to Deshler & Roberts, Merch.ts Philad.a the sum of Fourteen Dollars & Sixty Ninetieths of a Dollar.

	Dolls.	90ths.
For 2 doz. 2 feet Rules, 3/6 pence.....		
½ a doz. do 3/4 do		
1 doz. Saw Setts, 2/6 do	14	60
Total		

which sum of Fourteen Dollars & Sixty Ninetieths shall be paid to the said Deshler & Roberts or order, in Specie, or other current Money equivalent, by the first day of January next with interest at the rate of Six *per Centum per Annum*, from the first day of December, 1780, the time it became due and until paid.

Witness my hand this fifth day of December, A. D. 1782.

TIM. PICKERING,
Quarter-Master General.

Countersigned
SAM'L MILES, *D. Q. G.*
for Penna.

(Endorsed)

For value received I assign the within certificate to Jonas Phillips or order.

CATHERINE ROBERTS.
"JONAS PHILLIPS."

Timothy Pickering, mentioned above, is distinguished not only for his military services as Quarter-Master General in the Revolution succeeding General Greene in 1780, and serving until close of the war, but subsequently in civil position, having in 1790 been selected as a member of the Constitutional Convention of Pennsylvania; in 1791 Postmaster General of the U. S. in Washington's Cabinet and in 1795 succeeding General Knox, as Secretary of War. He was appointed Secretary of State in the same year by President Washington, and served until 1800; a United States Senator from Massachusetts, 1803-11; a member of Board of War of Massachusetts 1812, and in 1814 elected to Congress and served one term. He died January 29, 1829, at Salem, Massachusetts, his birth-place, aged 84 years. Although so prominent and active in politics in his time, to-day he is unknown to a large multitude of persons, even those well informed in matters political.

THE TRIAL OF FRANCISCO MALDONADO DE SILVA.

By George Alexander Kohut, *New York City.*

In a paper read before the Society in 1894, the writer endeavored to collect all available material, from widely scattered sources, pertaining to "Jewish Martyrs of the Inquisition in America." Much that was then tentatively put forth and merely hinted at, can now be proved and verified. Thus, to quote but two instances, he has succeeded in identifying Luis de Carabajal, mentioned in a brief but valuable account of judaizers in Mexico, by Ludovicus de Paramo,[1] with Luis de Carabajal y Cueva, soldier, statesman, and early Mexican pioneer (1539-1595?), who, in 1579, was appointed Governor of the New Kingdom of Leon ("Nuevo Reino de Leon"), and many members of whose ill-starred family, suffered martyrdom for judaizing. I have given an account of the Carabajals in Vol. III of the *Jewish Encyclopedia* (pp. 568-569), where two old prints, depicting the torture and execution of Francisca and Mariana de Carabajal, in 1590 and 1601, are reproduced from an exceedingly rare volume, confiscated by the Mexican government, now in my possession. Mr. C. K. Landis, an American, has written a fascinating review of the life of the Governor, half romantic, half historical, two copies of which he was good enough to present to the writer. Its title is *Carabajal the Jew, a Legend of Monterey* (Vineland, N. J., 1894). The main facts, set forth therein, agree with the somewhat meagre data furnished by Mr. H. H. Bancroft,[2] but neither he, nor

[1] *De Origine et progr. . . . Inquisitonis*, Madrid, 1599; see *Publications*, No. 4, pp. 110, 122-123; 159-161.

[2] *History of Mexico*, vol. II, pp. 777-779.

the others, who have occasion to refer to Carabajal, take notice of his Jewish origin. Documentary proof, in my possession, furnishes ample evidence of that fact.

The other instance alluded to is the exact date of the martyrdom of Don Tomas Trebiño de Sobremonte,[1] another Mexican judaizer, whose trial was one of the most notable in local inquisitorial annals, and who died at the stake, April 11, 1649, without uttering a groan, mocking "the pope and his hirelings," as he called them, and taunting his tormentors with his last breath. "That's right, burn wood, pile it on thick and fast; it costs you nothing; the fire is built with my money!" he exclaimed from amid the flames, as he lapsed into unconsciousness and died. I have a photograph of the house, wherein he lived for many years, still standing, and about which Luis G. Obrégon, in the 2d series of his *México Viejo,* has written a charming sketch. As Dr. Adler has promised, in the Preface to No. 7 of our *Publications,* to set forth in detail the remarkable life and death of this noble-hearted Jew, I shall not dwell upon the subject any longer, except to say that in 1894 our historical information was so slender, that we could not positively determine whether Don Tomas Trebiño flourished in the sixteenth or in the seventeenth century. And there is a curious connection between this martyr and de Silva, the subject of the present paper, for de Barrios, the Spanish Jewish historian, who had visited Cayenne and the West Indies in 1660,[2] some eleven years after Trebiño's heroic death, and who dedicated two sonnets to his memory, confounds him[3] with the illustrious Peruvian Marrano, of whom it is my purpose to speak.

[1] Wolf, *Bibl. Hebr.*, vol. II, p. 1110, following de Barrios (see below), confounds him with de Silva and calls him *Thomas Treminnode Sobrimente,* "dictus Elias Nazarenus" (see also further below, and *Appendix I* to this paper).

[2] See my article "Cayenne" in the *Jewish Encyclopedia,* vol. III, p. 634.

[3] See my paper in *Publications,* No. 4, p. 125. note, for refer-

From the earliest days of the establishment of the Inquisition in Lima the Tribunal had looked upon the Portuguese there settled with suspicion; hence they were treated with unusual severity. At the beginning of the seventeenth century this attitude became more and more pronounced.

Don Francisco Verdugo, who, in 1606, attained to the Presidency of the Holy Office, a man of far more tolerance than his predecessor, immediately upon his assuming charge, suspended the trials of over a hundred persons, who stood charged with various crimes, mainly heretical. But even he remained inexorable toward the Portuguese, and ordered the apprehension of 14 persons of that nation, who had been reported to him to be homeless and penniless, and who were hiding from the *familiares* in constant dread of imprisonment.[1]

These people were accused of *judaizing,* and so intolerable were the persecutions of the Holy Office, that many memorials were despatched to the King of Spain, pleading that they cease, as life under such conditions had become unbearable. Accordingly, a *breve* (apostolic brief) was obtained from Pope Clement VIII, who seems *not* to have favored the Marranos in the Roman States,[2] commanding the Inquisitors to release, without delay, all judaizing Portuguese in Peru. Unfortunately, when this order arrived in Lima, the only prisoners still detained in the dungeons of the Tribunal were

ences. In his exceedingly rare work, *Govierno Popular Judayco,* p. 44, Barrios writes: "Thomas Tremiño de Sobremonte, (alias) Elias Israel despues de 14 [read 13] años de duraprision, en Mexico passó del martirio ála gloria." In one of his sonnets to Sobremonte, he makes the same mistake (see *Appendix I* to this paper).

[1] Letter of Ordoney and Verdugo, dated April 24, 1603, quoted in Medina's *Chili,* vol. II, p. 96.

[2] Cf. P. Rieger, *Geschichte der Juden in Rom,* vol. II, pp. 192, 193, *et passim;* but compare Adler, in *Publications,* No. 4, p. 56, and with it Rieger, *l. c.,* vol. I, p. 497.

Gonzalo de Luna and Juan Vicente. The others had either become reconciled, or they had suffered death at the stake.

Notwithstanding all this, the Portuguese "judaizers" appear to have increased in wealth and influence, to such an extent, that the establishment of a new Tribunal was ordered in the province of Tucuman,[1] it having been ascertained that quite a colony of Jews were domiciled in the Rio de la Plata.

In consequence of this recommendation, dated May 18, 1636, the Portuguese were hounded anew, and many of them lost life and fortune in the struggle which followed. The Inquisitors had succeeded in ferreting out the fact that in Chili alone, at that time, there were no less than 28 Jews, most of them enjoying the rights of citizenship and living securely and at peace with their fellow-men.

"Since about six or eight years," thus runs the official account, as reported by Medina,[2] "they say many Portuguese have found a footing in the Kingdom of Peru, several of them being settled there for a much longer time." It may be assumed from this reference (contained in a letter, dated May 15, 1636), that in or about 1630 there was quite a large influx of Marranos in Peru. A considerable number, it can now be fixed with certainty, lived there, in Chili, Argentine, Cartagena and La Plata towards the end of the sixteenth century.

"These [Jews]" continues the document cited above, "had early made themselves masters of the situation, commanding almost exclusively all the commerce of the Kingdom, the thoroughfare called 'The Street of the Merchants' belonging to them alone. They laid their traps everywhere; they owned all the dry-goods stores; the very squares, where they sold their wares from out of chests and boxes; the linen-drapers' court; the Circles of the Plaza; and more besides,

[1] "Carta de Juan de Lizarazu de 3 de Marzo de 1641—Archivo de Indias," cited by Medina, *l. c.*, p. 99, note 4.

[2] *Historia del Tribunal del Santo Oficio de la Inquisicion en Chili*, vol. II, p. 100. (Santiago de Chile, 1890, 8°.)

were all literally theirs. Thus, they monopolized the retail trade and traffic; so that from gold brocade to sack-cloth, and from diamond to cumin-seed,[1] everything went through their hands."

Then the writer of this precious document proceeds to specify his grievances against these prosperous merchants. Here they are: A Castilian of pure stock has not a ghost of a show against these Portuguese; they had built up a whole merchant marine on a credit system, their agents being scattered throughout the land; they were ostentatiously wealthy, lending money at usurious rates (the old charge); in brief, they were cunning and clever, outwitting even expert financiers—a most dangerous nation. About the dire results of this envy and Jew-baiting, involving the sacrifice of many lives, and precipitating a fearful financial crisis in South America, we hope to say more another time.

Such was the state of affairs, so far as the Jews were concerned, in the two allied kingdoms of Peru and Chili, when Francisco Maldonado de Silva[2] was arrested in the city of Concepcion, Chili, April 29, 1627, and imprisoned in a cell of the convent of San Domingo. It was his own sister, Doña Isabel Maldonado, a fervent Christian, who first gave the Inquisitors information concerning him. On the 8th of

[1] "Desde el mal vil negro de Guinea hasta la perla mas preciosa" as one account has it (Medina, *l. c.*, note 7).

[2] For the following account, I am indebted, in addition to original documents, broadsides and other printed sources, to J. T. Medina's splendid work on Chili already cited, vol. II, pp. 71-145, which contains an almost verbatim transcript of a document still extant, bearing the following title: "Report to the Supreme Council of the Holy Inquisition, relative to the trial of Francisco de Silva, bachelor, alias 'Sun of Nazareth' (Heli Nazareo) unworthy of the God of Israel."

An eye-witness of the auto of 1639 has published a description of it in Madrid, 1640. For other data and references to de Silva, see the writer's notes in *Publications*, No. 4, pp. 112-115, and *Appendix* to the present paper.

July, 1626, this estimable woman, 40 years old, testified before the Commissioner of the city of Santiago de Chile that her brother had, to her horror and indignation, confessed to being a Jew, imploring her not to bestray him, and using all endeavors to convert her too. He made mock of holy things, impugning the divinity of Jesus, and otherwise showing his seditious spirit. Finding all remonstrance unavailing—her brother persistently avowing his feality to Jewish law, even though it should cost him his life—she confided all to her sister, Dona Felipa Maldonado, who, in great distress, urged her to consult her confessor. He, in turn, ordered her to notify the chief authorities of the Holy Office without delay. Dona Felipa, spinster, being called upon to testify, appeared in the gorgeous robes of the Society of Jesus, and deposed against her brother, repeating all she had heard from her sister Isabel, and adding such other information as helped to incriminate him: for example, that he observed the Jewish feasts and fasts, put on a clean shirt on the Sabbath, etc. On the strength of this evidence, he was ordered to be arrested Dec. 12, 1626, but it was not until April of the year following that the unfortunate man was apprehended.

Concerning his person there is but little to be said, though in all else the records are exhaustive and accurate. He is described as a bachelor, an American by birth, having been born of new Christian parents, in the city of San Miguel, Province of Tucuman, Peru, and residing in Concepcion, Chili, where he practiced medicine, surgery being his specialty. His father, the Licentiate Diego Nuñez de Silva, and brother, Diego de Silva, were both reconciled by the Inquisition, at an auto held in Lima, March 13, 1605.[1] His was an inheritance of martyrdom, as he himself frequently affirmed. To

[1] See Medina, *Historia del Tribunal del Santa Oficio de la Inquisicion de Lima* 1569-1820, Sant., 1887, vol. I, p. 337; Kayserling, *Christopher Columbus*, N. Y., 1894, p. 134.

a monk, who was sent to sound him, and whose friendly offices he besought, he complained of his sister's zeal, which landed him in such a place, and declared that he intended to live and die in the religion of Moses, as his father did before him. The two then began to search Scripture together, de Silva explaining difficult passages with much dexterity as the friar afterwards reported, "but remaining firm and obdurate in his Jewish superstitions."[1] The monk called soon again and took up the cudgels in defense of his view of Holy Writ. He argued with much vehemence, hoping to overcome the prisoners' doubts concerning the doctrine of the Trinity, and even venturing the prove that Francisco's father had died a devout Catholic. To this the prisoner replied that his father did so in self-defense only, being afraid of torture "and the austerity of death," and giving him secretly to understand that he was, none the less, a Jew.

The first friar being unsuccessful in his quest, another still greater dignitary of the church was detailed to convert him to the faith. Maestro Fray Alfonso de Almeida, calificador of the Inquisition, testified, May 27, 1627, that he visited de Silva in his new prison in the Convent of the Augustines in Santiago, he having been transferred from La Concepcion. He counseled the prisoner to plead for clemency, which the latter refused to do, protesting his belief in one God, who would lead him forth out of his trouble, and expressing his entire readiness to die for the faith of his fathers. He, too, tried to reason with de Silva, but in vain.

Maria Martinez, a Portuguese mulatto, held for witchcraft, testified, July 29, 1627, that the prisoner scoffed at the cross she wore, openly confessing that he was a Jew. He said that he cared not if the whole world knew it; let them come and burn him; they do not die, who die thus, for God

[1] Wolf, too, in his *Bibl. Hebr.*, vol. III, p. 953, No. 1854 f., speaks of de Silva as one infatuated with Jewish superstition (*qui, Judaeorum supersititione captus*).

the Eternal keeps them ever alive, and he would proclaim this cheerfully at the stake. It was further reported that he ate no bacon, nor anything which came from the flesh of swine; that, at one time, he had fasted 40 days for the Messiah; and that, at the expiration of the fast, the Messiah appeared to him in a vision, and did so constantly for a year, until, being denounced by his sister, he was arrested, and then all communications ceased. Secreted about his person, de Silva had a prayer book bound in vellum, containing a Jewish calendar.

On the 23d of July, 1627, he was transported to Lima, by way of Callao, and consigned to one of the secret cells of the Inquisition. That very night, the first hearing took place. The prisoner was asked to take the customary oath by laying his hand upon the crucifix on the table of the Tribunal. This he would not do, and, addressing himself to the presiding judge, he said:

"Señor, I am a Jew. I profess the religion of Moses; I will live and die in it, and, if it is necessary to swear, I take my oath by the living God, who is in heaven and earth, the God of Israel; and by this oath, according to the religion of Moses, I vow to tell the truth, and say herewith: I am the bachelor Francisco Maldonado Silva [*sic*], graduate surgeon, born in the city of San Miguel de Tucuman, in the kingdom of Peru, and am 35 years old." On being further questioned, the defendant declared that on his mother's side, Doña Alaonsa Maldonado and all her ancestors, he was an old Christian; that he was christened and baptized in the city where he was born, and confirmed in Cordoba de Tucuman, and that up to his 18th year he had gone to confession, attended mass regularly, and had otherwise rigidly observed the tenets of the Christian faith. Then he visited Callao in search of his father, who has since become reconciled at an auto; remained with him a year and a half, as a devout Catholic, having no knowledge of the faith of Moses until he happened to read the controversial tract *Scrutinio Scrip-*

turarum, written by one Burgos.[1] This whetted his desire to learn which was the true religion. His father told him to study his Bible attentively, and therein he would learn all about the religion of Moses, which he himself observed, although he outwardly professed Christianity, in mortal dread of the Inquisition. From that day on Francisco became a believing Jew, still observing certain practices and ceremonies of his former faith, attending mass, and going to confession, though he no longer held either essential to the salvation of his soul.

In contradiction to a former statement made at this hearing, we are given to understand that he was not a bachelor. His wife was Doña Isabel Otanez, a native of Seville, and reference is made to a daughter, then living. All this the prisoner ratified, and after the first canonical admonition, the hearing came to an end.

On the 27th of July, 1627, the second hearing took place. On this occasion he avowed that he had faithfully observed the Jewish Sabbath, in support of which he cited the fourth commandment word for word, and quoted with much fervor lengthy passages from Deuteronomy and the Psalms, and the opening invocation from the prayer called *The Eighteen Benedictions* (שמנה עשרה). On August 5, he himself asked for a hearing, and deposed that he had circumcised himself in his lodgings in Santiago de Chili, trying first to sever the foreskin with a razor; not succeeding, he used a pair of scissors, and healed himself with the white of eggs and various ointments. This he did in all secrecy, during his wife's absence from the city, endeavoring, at the same time, to convert his sister Isabel, who lodged with him, to the Mosaic faith. He confessed to having ridiculed the doctrine of the Trinity, in his zeal to prevail upon his sister, and to have enjoined

[1] Refers, no doubt, to the *Scrutinium Scripturarum*, written by the apostate, Paul of Burgos, published in Mantua, 1474. See Wolf, *Bibl. Hebr.*, I, p. 963; III, pp. 897 seq.

upon her to keep the feasts and fasts of the Jews, particularly the Day of Atonement, "on September 10th," on which day one should afflict the "body by wearing a girdle of bristles, sleeping on the bare floor and abstaining from all manner of food all day until nightfall, when the first star appeared." He then quoted verses from the Bible by heart, and wrote a commentary for her (in Hebrew or Latin?), consisting of "two sheets of writing," which he translated into Spanish. His sister remained unaffected, however, and warned him not to persist in his madness, for she saw therein the shadow of the stake. To which the intrepid Francisco replied, in the spirit of two other martyrs, Rabbi Akiba and Nathan Hale: *that even if he had a thousand lives, he would gladly lose them in the service of the living God!*

At a fourth hearing, three days later, he confirmed his previous confessions of faith, volunteering to prove his views by citations from the Psalms and from Genebrardo's *Calendar,* and stating that his father had once told him that Jesus possessed occult powers, by means of which he could attract the ignorant rabble.

On October 5 following, he was again arraigned and formally accused, in a charge consisting of 55 chapters. He again refused to swear otherwise than by the God of Israel to tell the truth; read the lengthy document carefully, adding thereto sundry annotations in Latin and Spanish, written by him in prison; endorsed the charges in full; declared that he fasted in prison every day, the Sabbath excepted; and that on the Day of Atonement, coincident with the 10th of September, he abstained from food and fasted four days instead of one, asking God for remission for his sins.

At the advice of his counsel, a member of the Tribunal, a number of theologians, famed for their learning, were appointed to dispute and reason with him concerning the foundations of belief, and to relieve him, if possible, of the many doubts which assailed him. This done, the case was

admitted to evidence. On the 12th of October, the witnesses were cited to appear in court, and, accordingly, on the 26th day of the same month, four eminent specialists, the most erudite in all Peru, reported their experience with the prisoner. Fray Luis de Bilbao, Dominican friar, first professor of theology at the university; Father Andres Hernandez, of the Society of Jesus, "the chief of all the learned men in the kingdom," likewise of the same institution; Fray Alonzo Briceno, professor emeritus of theology, of the order of Franciscans; and Dr. Pedro de Ortega, magesterial Canon of the cathedral of Lima, the newly appointed professor of theology, entered, in the presence of the Inquisitors, upon an open debate with the accused. The discussion lasted two hours, in the course of which de Silva defended his thesis with the Bible in his hand, but constantly quoting from memory, again and again affirming, despite all efforts to reason away his objections, his unfailing devotion to the Law of Moses, and craving only to die for its glory.

This was but the first of a long series of conferences, either ordered by the judges or petitioned for by the prisoner, each lasting from two to three hours, conducted in the presence of the *calificadors* by the same scholars, with one or two equally subtle reasoners added to the ranks, to help convince this phenomenal Jew, who ever and always responded that, come what may, he would remain loyal unto death. There were 15 disputations in all, extending over a period of nearly 13 years, from 1627 to 1638, "instituted," so runs the significant charge of the baffled opponents, "more for the reason of making an arrogant exhibition of his genius and sophistry than because of a desire to embrace the holy Catholic faith."

During all these years, de Silva employed his time to good advantage, having been given a Bible and a meagre supply of paper, at his own request, on the 29th of October, 1627, "that he may be enabled to itemize his score against the re-

ligion of Christ." He finished his task by Nov. 15 of the same year, the MS., written in very small, beautiful characters, being delivered to the *calificadors* for perusal.

The learned disputants answered his strictures in open debate, but de Silva remained unconvinced, and, much disgusted, dismissed his counsel in November, 1638.

On April 6, 1629, he pretended to be very much concerned about the salvation of his soul, asked for a copy of the New Testament, "a Bible, paper, and some other books on Christian doctrine, notably the *Chronicles of Fray Alonso Maldonado* [very probably a kinsman of the prisoner], with the view of examining the interpretation of the seven weeks in Daniel, which seemed inadequate to him." By the 24th of May he had finished his researches and submitted them to the *calificadors,* who, accordingly, charged the learned friars and professors to respond to his written arguments in a special conference lasting more than three hours. Another time, October 21, 1631, he harangued the *calificadors* in a long Latin discourse, extolling the beauty and eternity of the Mosaic law, and causing his opponents much labor to refute the same.

Being again supplied with books and paper wherewith to formulate his "doubts," the prisoner wrote many treatises, skilfully stitched together in pamphlet form, despatching them, with small delay, to the judges, who appear to have been confounded by his brilliancy and skill in apologetics.

Finally, even the patience of the Inquisitors was exhausted by this game of thrust and parry, and he was sentenced to be surrendered to the Secular Arm, January 26, 1633. De Silva, too, seems to have exhausted himself by all this mental activity, for it was reported at the *audiencia* of March 4, 1634, that the prisoner had been desperately ill, having fasted 80 days, his occasional nourishment consisting of porridge, in consequence of which neglect he had become so enfeebled, that he could not turn in his bed, "being nothing but

skin and bones." As soon as he was convalescent, he again petitioned that the *calificadors* be permitted to debate with him, and, in answer to his request, the three learned judges appeared once more, and for the twelfth time, and tried for three long hours to win him back to the fold. He remained unmoved through it all, and they gave him up in despair.

At this juncture transpired what may be regarded as the most dramatic episode in the career of this fearless champion of the Law. He had, namely, collected a quantity of maize-husks or leaves (*hojas de choclos de maiz*), for which he had asked as a substitute for bread. He then twisted the stalks into a rope, and, somehow, contrived to swing himself through an opening in his cell and escaped. It does not seem to have been his purpose to hide from his persecutors; quite the reverse: he boldly invaded two of the other cells, where many judaizantes, the most wealthy and influential citizens of Lima, were confined, and actually *converted two Catholics* to Judaism, one accused of bigamy, the other, a friar, of breaking his vows of celibacy. He even supplied them with letters, which, in the event of their acquittal, they were to present to the wardens of the synagogue in Rome, on whose behalf he bespoke a hearty welcome. The plot was, of course, discovered, and de Silva, brought to bay, admitted everything, pleading excessive religious zeal as the only motive of his offense.

That this weak, underfed, and defenseless man was a tower of strength, occasioning his judges and his learned opponents much vexation of spirit, may be seen from the following passage of the official report of the trial, which we copy literally:

"God grant," so runs the pious wish, "that the prisoner had become mute as a result of his memorable eighty days' fast, ere the great conspiracy could have been consummated; thus stricken, he could not have prevailed upon the many imprisoned Judaizantes awaiting trial for complicity in a

proselytizing heresy in the dungeons of the holy and blessed Tribunal."

Reference is thereby made to the great denunciation called *La Complicidad grande,* so termed by reason of the fact that on August 11, 1635, a wholesale seizure of Lima's foremost Portuguese merchants took place, which aimed not so much to stamp out Jewish heresy, as to confiscate the large and valuable estates of the richest men of the kingdom. This arrest furnished the people of Spanish America with the most sanguinary and spectacular auto ever celebrated in the New World—an auto which witnessed the martyrdom of *eleven* heroic sons of Israel, including Francisco Maldonado de Silva.

Little else remains to be said of him. On the 13th of November, 1638, another hearing was given him, despite the fact that the audiencia of January 26, 1633, had delivered him over to be burnt. Three learned members of the Society of Jesus reasoned with him with much heat for three hours and a half, to no effect whatever. The prisoner became much excited, and begged piteously for his confiscated manuscripts "in duodecimo and quarto," which he had compiled, as also for the numerous dissertations he had written in prison on various bits of paper. "He had sewn them together with such dexterity," we read in the official account of the trial, "that they looked like pamphlets from a book-store, having been written with ink made of coals and with the crooked leg of a hen." One of these treatises consisted of 100, and the other of more than 103 sheets, the title of yet another being:

"*The Star of the Jews, by his other name Silva, undeserving of the God of Israel.*"

He begged that his writings be restored to him, "for the sake of his conscience, inasmuch as they contained the science and wisdom of the Holy Book, for the three *califica-*

dors had not satisfied his doubts." He made another appeal on the first of December, 1638, asking his judges to refute, if they could, his arguments advanced in one of his essays, which he describes as "a pamphlet of five sheets . . . stitched together and written with ink made of coals," and promising to embrace the Catholic faith if they convinced him of his errors. Accordingly, for the last time, on the 9th and 10th of December, 1638, in two sessions of many hours' duration, the learned judges once more pitted their united strength against his, but de Silva, staunch and obdurate as ever, again prevailed, and the great spiritual contest was over.

Thus arrived the fateful day, January 23, 1639. It was a sight splendid and gruesome in the extreme. The preparations were costly and elaborate, involving fifty days of uninterrupted labor, holidays included. Great masses of people, from within forty leagues of the capital, were gathered to witness the solemn and impressive pageant, and even prisoners, who had been under trial for judaizing and had been acquitted, were permitted to attend as spectators.[1] One by one, after the bright-robed procession of soldiers, priests and princes had come to an end, the doomed *relajados,* clad in sanbenitos, and all, except the obstinate de Silva, carrying green crosses, filed mournfully by, eleven brave *judaizantes* marching to the funeral pyre. The very last in this dismal company was *Francisco Maldonado de Silva,* a Nazarite indeed, pale and emaciated, a mere bundle of bones, his long hair and beard forming a halo about his head, with the precious little books he wrote fastened around his neck—in mockery as it were—who, when the death sentence was read, exclaimed:

"This is the will of the Lord. I shall see the God of Israel face to face!"

[1] A minute description of this wonderful *auto da fé* will be found in Medina's book, *l. c.*, pp. 115-145. We shall describe it at length in another paper soon to be published.

APPENDIX I.

A Sonnet by Miguel (Daniel) Levi de Barrios (1625-1701), inscribed to the Memory of Tomas Trebiño (or Tremiño) de Sobremonte (died in Mexico, 1649), but, in reality, commemorating the martyrdom of Francisco Maldonado de Silva.

[From the author's *Luzes de la Ley Divina* (date uncertain; possibly 1684?). See Kayserling, *Hebräische Bibliographie, Vol.* VII, 1864, pp. 40, 133; *idem*, in his *Bibl. Españ.-Portug. Judaica*, Strassb., 1890, p. 22b; G. A. Kohut, *Publications Amer. Jew. Hist. Soc.*, No. 4, p. 125.]

Soneto.—A la gloriosa constancia del biena venturado Thomas Tremiño de Sobremonte (alias Ishac Israel) natural de Ruiseco [Rioseco] que des spues [*sic*] de catorce años [read 13] de dura prision, padeciò martirio de fuego en la Ciudad do Mexico por sanctificar el nombre de Dios.

Años catorce en carcel rigurosa
por defender de Dios la verdad pura
Tremiño, arrastra à la cadena dura
que le da el ser la sacra Ley su esposa:

Tolera Job segundo, iva engañosa,
con gran constancia en la miseria obscura:
porque la luz que al cielo le apresura
quia su aliento en senda tenebrosa:

El fuego a que le arrojan no le espanta,
con la leña que Ishac, lleva en su zeló,
por seguir del gran Padre a la Ley santa.

Ya Indiano Elias, por subir al cielo
en el carro voraz que lo levanta,
dexa la capa de su polvo al suelo.

APPENDIX II.

Isaac Cardoso's account of de Silva's Martyrdom, written in 1679.

[From Las | Excelencias | de los Hebreos. Por el Doctor | Jshac Cardoso. | . . . . . Impresso en Amsterdam en casa de | David de Castro Tartas. | El año de 1679. | 8°. (Pref. dated |

Verona, 17. Março de 5438.| El Doctor Jshac Cardoso.) pp. 323b-324a. See also Jo. Chr. Wolf, *Bibliotheca Hebraca*, Hamburg and Leipsic, 1727, vol. III, pp. 953-954, no. 1854 f., where the name is transcribed in Hebrew: פרנציסקום מלדונתום די סילוה.]

En las Jnquisiciones de España desde q́ se han instituydo hasta agora han quemado vivos muchos Judios, assi hombres, como mugeres por estar constantes, y firmes en la ley de sus padres, y há pocos annos, que en Cordova, en Coimbra, y en Lisboa han quemado vivas mugeres, por seguir y publicar con gran contancia la Ley de Moseh. Hasta en las Jndias, en el mundo nuevo, en la nueva España, ye en el Perú quemaron vivos algunos por no querer mudar su Ley, como en Mexico un Trebiño [*Tomas Trebiño de Sobremonte, burnt at the stake April 11, 1649*], y en Lima un Silva Medico, gran predicador desta Ley, que estuvo treze años preso, y no comió carne en ellos, sino un poco de herina de mayz en poca cantidad, haziendo grandes ayunos, y obstinencias. Dexó crecer la barba y cabello como los Nazarenos, el mismo se circuncidó con una navaja, y acabó de cortar el prepucio con unas tixeras, y mudó el nombre de Francisco Maldonado de Silva, en el de *Heli Nazareno* indigno siervo de Dios, alias Silva. Trucheron le muchas vezes Theologos, y Calificadores para reducirle, pero el disputava con ellos y tratava de palabra, y por escrito. Hizo muchos tratados en la carcel juntando muchos papeles viejos de algunas cosas embueltas que pedia, tan futilmente que parecian de una pieça misma, la tinta hizo de carbon, la pluma [p. 324a] de un huesso de gallina cortado con un cuchillo, que hizo de un clavo, y escrivia letra que parecia de molde. Quemaronlo vivo al fin de treze años, con algunos papeles suyos, y *dize el Autor que se imprimió en Madrid el año de 1640*, que fue digno de reparo. que haviendo acabado de hazer relacion de las causas de los relaxados se levantó un viento tan rezio, que afirmaron los vezinos de Lima no haver visto otro, tan fuerte en muchos años. Rompió con toda violencia la vela, que haza sombra al tablado por la misma parte, y lugar donde estava este sentenciado, que mirando al cielo dixo, esto lo ha dispuesto assi el Dios de Jsrael, para verme cara à cara desde el cielo. *Hizose aquel Auto en Lima à 23. de Henero del año 1639.*

NOTES.

THE FRANKS FAMILY AS BRITISH ARMY CONTRACTORS.

The references to the Franks family contained in the present volume make this a proper occasion to set forth some further matters concerning them, which have not yet been published in these volumes. A few years ago, in a pamphlet entitled "Rebecca Franks, An American Jewish Belle of the Last Century" (New York, 1894), the writer hereof made the following allusion to some public activities of Jacob Franks, of New York, and David, his son (pp. 6-7):

"In a curious little pamphlet now before me, entitled 'Wealth and Biography of the Wealthy Citizens of New York City,' published by the *Sun* in 1845, I find several interesting references to the Franks family in a biographical sketch of Hyman Solomon (*sic*), p. 26. According to this authority, 'Jacob Franks was the British King's sole agent for the Northern colonies, and his son David was the king's agent for Pennsylvania.' The nature of this publication and several inaccuracies it contains made the writer skeptical as to the correctness of this statement, in spite of the fact that it seems to emanate, directly or indirectly, from Haym M. Salomon, whose mother, the wife of the famous Haym Salomon, was a daughter of Moses Franks. The statement has been corroborated, however, upon investigation, by unexceptionable authorities; as far as Jacob Franks is concerned, by a letter to Sir Jeffery Amherst, dated New York, May 26, 1762 in the 'Colden Papers,' in which instructions to Franks to ship provisions to Jamaica, for the royal navy during the war then pending, are referred to.[1] As far as David Franks, the father of Rebecca is concerned, we find numerous public advertisements, published by order of Brigadier-General Monckton, commanding the Southern District of North America, in which arrangements are

[1] *N. Y. Hist. Soc. Collections* for 1876, Pub. Fund Series, Vol. IX.

announced for the payment of demands on the Crown for provisions and stores supplied to the army; these are signed by Wm. Plumstead and David Franks, contractors for supplying the army with provisions and carriages."[1]

These items received further unanticipated corroboration some time after the foregoing lines were written, when the writer hereof had occasion, in November, 1895, to examine a large collection of manuscripts offered for sale by Dodd, Mead & Co., in New York City, and advertised as indicating the difficulties involved in provisioning the British forces during the French and Indian War in the interior of the American continent.

It appears that the British Government during the French and Indian War made a contract for supplying the armies in America with Messrs. Colebrook, Nesbitt & Franks. The Franks in question was a member of a syndicate to which the other persons named also belonged, and appears to have been Mr. Moses Franks of England, who was related to Mr. Jacob Franks, of New York and Mr. David Franks, of Philadelphia, both of whom also figure in the correspondence as agents for the syndicate. The correspondence is composed of about 100 letters, chiefly original drafts, copies, and in some instances, originals. They cover the period running from 1759 to 1779. The syndicate made contracts aggregating over £764,000 and including contracts for provisioning British armies and garrisons in North America, particularly in New York, Maryland, Fort Pitt, the Illinois country, the Canadas and the West Indies. Three of the letters referred to accounts for provisions supplied to British prisoners in Philadelphia from 1777 to 1779. From this it appears that David Franks was acting on behalf of the syndicate in his dealings in connection with British prisoners, which have already been incidentally referred to in these

[1] *Pa. Gazette*, Nov. 20, 1760.

"Publications." The correspondence includes letters from Gen Amherst and Gen. Gage and others. For the most part, it is devoted to complaints against the action of British military officers and accounting officers for reducing or disallowing the accounts of the syndicate. The contracts themselves were included and also the correspondence between the contractors and their agents, relative to prospects of profits and losses.

The correspondence shows that the dealings of the syndicate were numerous, and that their risks were very great. Considerable information is given as to what constituted rations furnished to soldiers at the time, their value, the quantity a head furnished, etc.; a large folio account book, showing invoices of goods delivered, and to what province they were delivered, from 1760 to 1763, the invoices aggregating £764,672, accompanied the letters.

The foregoing item is closely connected with and in fact runs into, the services of members of the Franks family on behalf of the British Government during our Revolutionary War. Reference has already been made to the fact that David Franks was the agent for the syndicate, victualing British prisoners in 1776.[1] Reference has also been made to the fact that Moses Franks was one of the principal purveyors for the British Army in Quebec, Montreal, Massachusetts, Illinois, New York, &c., in 1774 and 1775.[2] It should be noted that Washington's correspondence contains references to David Franks in this same connection. In a letter directed by Gen. Washington to the President of Congress, dated Cambridge, Massachusetts, February 9, 1776, Washington writes:

[1] Friedenwald: "Jews in Journal of Continental Congress," *Pub.* 1, p. 70.

[2] *Publications*, Vol. 10, p. 165.

[3] Ford's "Writings of Washington," Vol. 3, p. 404.

"I beg leave to call the attention of Congress to their appointing a commissary in these parts, to attend the providing of necessaries for the prisoners who are dispersed in these provinces. Complaints are made by some of them, that they are in want of bedding, and many other things; as I understand that Mr. Franks has undertaken that business, I wish he was ordered to find a deputy immediately, to see that the prisoners get what is allowed them by Congress. Also to supply the officers with money as they may have occasion. It will save me much time and much trouble."

So also on February 14, 1776, General Washington writes from the same place to the President of Congress as follows:[1]

"Inclosed is a letter for David Franks, Esqr., from Mr. Chamier in Boston, upon the subject of victualing such of the King's troops as may be prisoners within the limits of his contract, which I beg the favor of you to deliver him, and that proper agents may be appointed by him to see that it is done."

The certificate from Meyer Hart, of Easton, March 19, 1778,[2] to the effect that the British prisoners were properly treated at Easton, Pa., was written by him as agent for David Franks. M. J. K.

REBECCA FRANKS AS A WRITER.

In the pamphlet above cited, published by the present writer in 1894, and entitled "Rebecca Franks, An American Jewish Belle of the Last Century," it was sought to be shown that Miss Franks was the author of a well-known loyalist poem, which had much vogue in Philadelphia during our Revolutionary War, entitled "The Times—A Poem by Camillo Querno, Poet Laureate of the Congress" and published under the nom de plume "Camillo Querno."[3] It was at least proved that she was reputed to be the author in Philadelphia early in the 19th century. In a list of books offered for sale in Philadelphia in 1779, to which Mr. Leon Hühner has

[1] *Id.*, page 423. [2] *Pub.*, Vol. 3, page 151. [3] *Am. Hist. Rec.*, 1873.

kindly called my attention, we find her name figuring again, whether seriously or in sport I will not undertake here to say, as an authoress, as also that of her cousin, Major David S. Franks. In Volume IV, of the "Public Papers of George Clinton," recently published by the State Historian of New York, we find copied a letter written from Philadelphia by the Swiss painter, du Simitiere, to Governor George Clinton, of New York, on March 2, 1779, in the course of which he states: (p. 607), "There is a Catalogue of books handed about here in MSS. which makes some noise; it is very lengthy and many of the characters would be quite unknown to your Excellency. I have therefore, Selected a few, which I enclose as a Specimen of whole for your perusal." The list referred to is found on pp. 608-609, being entitled "Extract of a Catalogue of Books for Sale in Philadelphia, February, 1779" and contains the following items:

"The Secret History & Intrigues of Gen. Howe, worse for the wear—by Miss Franks."

"Nicotiana, or who would have thought it, a humbug—by Major Franks."

Several of Miss Rebecca Franks' entertaining letters, giving a picture of social life during the Revolution, have been recently printed. The well-known letter giving an account of New York society, dated Flatbush, August 10, 1781, and addressed by her to her sister Abigail, the wife of Andrew Hamilton, of Philadelphia, the original of which is in the possession of the Historical Society of Pennsylvania, was published in Volume 23 (1899) of the *Pennsylvania Magazine* p. 303, in full. The January, 1901 issue of the same periodical (pp. 417-418), prints an article edited by L. B. Walker containing a letter written by Miss Franks from Philadelphia to Margaret Shippen, right after the British army evacuated that city. Her well-known correspondence with

General Charles Lee, took place soon after, and has also been reprinted on several occasions.[1]

DANIEL WEBSTER AND THE JEWS.

Daniel Webster has been quoted[2] as having, on some occasion, delivered an address before the Hebrew Benevolent Association of New York City; the time and occasion for delivering this address is unknown to me, after diligent search, and it is much to be regretted that the address seems to have been lost.

Rev. Theodore Clapp, of New Orleans, the friend of Judah Touro, in the work just cited, seems to have had access to the same, for he writes as follows:

"Daniel Webster once said in an address before the Hebrew Benevolent Association of New York City, 'We are indebted to the Jewish nation for revealed religion, for the most important blessings and refinements of civilized life, and for all well-grounded hopes of immortal bliss beyond the grave.'"

We find on record correspondence between Webster and M. M. Noah on behalf of said Hebrew Benevolent Society of New York, in 1849, but Webster was compelled to decline the Society's invitation to address it on that occasion, though the views he then expressed are somewhat similar to those contained in the passage just quoted. The correspondence in question is re-printed in "Private Correspondence of Daniel Webster," edited by Fletcher Webster, (Vol. II, 346-7).

Mr. M. M. Noah to Mr. Webster:

NEW YORK, October 31, 1849.

My Dear Sir:—

I am directed by the Board of Trustees of the Hebrew

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[1] Graydon's *Memoirs*, edited by Littell, pp. 468-472, and Langworthy's *Memoirs of the Life of the late Charles Lee*, pp. 276-8.

M. J. K.

[2] *Autobiographical Sketches and Recollections during a Thirty-five years' Residence in New Orleans*, by Theodore Clapp, 1858, page 104.

Benevolent Society, and the German Hebrew Benevolent Society of this city, to solicit the honor of your company to their anniversary dinner on the 13th of November. In performing this pleasing duty, I cannot but call to mind that your Puritan ancestors lived, a hundred years ago, under the Mosaic laws and flourished under the same government to which David and Solomon added power, glory and splendor; and your long public and private life has been exempt from any prejudice against the chosen people. We have now in the city a Jewish population of thirteen thousand and increasing daily by emigration, and hope, ere long, to be worthy of attaining a position among the governments of the earth. The societies will feel proud in seeing you among them on this festive occasion, and I need not add the sincere pleasure which it will afford to,

Dear Sir, your friend and obedient servant, M. M. Noah.

Mr. Webster to Mr. Noah:

My Dear Sir:— Boston, November 9, 1849.

I am afraid it will not be in my power to attend the anniversary of the "Hebrew Benevolent Society" and the "German Hebrew Benevolent Society," on the 13th of the present month. I am, however, grateful for having been remembered on this occasion, and desire to present my acknowledgements and thanks to the committee.

I feel, and have ever felt, respect and sympathy for all that remains of that extraordinary people who preserved, through the darkness and idolatry of so many centuries, the knowledge of one supreme spiritual being, the Maker of Heaven and Earth, and the Creator of Man in his own image, and whose canonical writings comprises such productions as the books of Moses and the Decalogue, the prophecies of Isaiah, the psalms of David, the Book of Job, and Solomon's prayer at the Dedication of the Temple. The Hebrew scriptures I regard as the fountain from which we draw all we know of the world around us, and of our own character and destiny as intelligent, moral and responsible beings.

I wish, my dear sir, for the associated societies who have honored me with their invitation, a gratifying anniversary, and am, with respect,

Your obedient servant,

Daniel Webster.

M. J. K.

M. M. NOAH.

Mordecai M. Noah, who figures actively in this volume, has recently attracted considerable attention from non-Jewish sources. Numerous complimentary references to him are contained in J. T. Trowbridge's "My Own Story"[1] whose work also contains a portrait of him. Noah aided the struggling young author most materially by advice and direct aid in interesting publishers in his writings. This circumstance was referred to by Mr. Joseph Lebowich in the discussion which followed Mr. Cone's paper at the 11th annual meeting of this Society, at which time Mr. Trowbridge's autobiography was appearing serially in the *Atlantic Monthly.* Noah also figures as an important character in Mr. Alfred H. Lewis' recently published historical novel entitled "Peggy O'Neil," dealing with Jackson's Administration. On the other hand, he receives far from complimentary treatment in Levermore's "Rise of Metropolitan Journalism", 1800-1840, published in the April, 1901 issue of the *American Historical Review,* Vol. VII, pp. 446, 456, 459; compare W. L. Mackenzie's scurrilous "Life and Times of Martin Van Buren," and "The Lives and Opinions of Benjamin F. Butler and Jesse Hoyt."

An interesting character study of Major Noah appeared in *Lippincott's Monthly* (Vol I, p. 665), written by S. Lockwood. Compare also article on "Ararat, City of Refuge," in Vol. II, of the *Jewish Encyclopedia,* by the present writer.

These references may serve to amplify the material concerning Major Noah, contained in Hon. Simon Wolf's interesting pamphlet "Mordecai Manuel Noah, A Biographical Sketch," (Philadelphia, 1897), and the facts concerning him which have already been printed in our "Publications."

M. J. K.

[1] Houghton, Mifflin & Co., 1903.

M. M. HAYS.

Considerable new material concerning Moses Michael Hays, the most prominent early Jewish settler in Boston, Massachusetts, particularly with reference to his masonic activities, is contained in an article on "Moses Michael Hays," contributed by Sereno D. Nickerson to *The New Era*, October, 1902. M. J. K.

REBECCA GRATZ.

An interesting account of Rebecca Gratz, including some obviously authentic particulars as to her friendship with Washington Irving, is contained in Sartain's "Reminiscences of a Very Old Man" (pp. 183-190), which work also contains a copy of Sartain's engraving of Miss Gratz, based upon Sully's portrait of her. The following letter introducing Sully to Miss Gratz was written by Washington Irving (p. 184):

"I hardly need introduce the bearer, Mr. Sully, to you, as I trust you recollect him perfectly. He purposes passing the winter in your city, and as he will be 'a mere stranger and sojourner in the land,' I would solicit for him your good graces. He is a gentleman for whom I have a great regard, not merely on account of his professional abilities, which are highly promising, but for his amiable character and engaging manners. I think I cannot render him a favor for which he ought to be more grateful than in introducing him to the notice of yourself and your connections.

Mr. Hoffman's family are all well and you are often the subject of their conversation. Remember me affectionately to all the family, excuse the liberty I have taken, and believe me with the warmest friendship,

Ever yours,

WASHINGTON IRVING."

New York, Nov. 4th, 1807.

For further references concerning Miss Rebecca Gratz, including the controverted question whether she was the

original of Rebecca in Scott's famous novel, Ivanhoe, see: "Recollections of my Aunt Rebecca Gratz, by one of her Nieces" (a privately printed work of which a copy is in the possession of the Society); article in the *Century Magazine* September, 1882, entitled "The Original of Rebecca in Ivanhoe," by Gratz Van Rensselaer; Daly: "Settlement of the Jews in North America," pp. 61-2; Morais: "Jews of Philadelphia," pp. 147-149.

M. J. K.

JOSEPH BLOOMFIELD.

Joseph Bloomfield, Governor of New Jersey, hero of two wars, was no Jew. He was a descendant of the Thomas Bloomfield or Blumfield who migrated from Newburyport, Massachusetts to Woodbridge, N. J., in 1666. Joseph Bloomfield's father, Dr. Moses, died a Presbyterian elder, 1791. The following references must hence be corrected: *Jewish Encyclopedia,* i, 504a; ii, 125b; Simon Wolf, *The American Jew as Patriot, Soldier and Citizen,* Philadelphia, 1895, pp. 45, 68. See A. M. Friedenberg, *Governor Joseph Bloomfield* in *Jewish Comment,* October 2, 1903.

A. M. F.

DAVID S. FRANKS.

The following note is interesting as it traces David S. Franks from Canada to Philadelphia where he subsequently joined the Revolutionary army:

"New York Provincial Congress June 29 1776.

David Salsbury Franks, from Canada, produced a certificate dated at Chambly, 31st May, and signed by Samuel Brewer Aid-de-Camp, and another certificate dated at Albany, on the 20th instant, and signed by Abraham Yates, Jun., Chairman of the Albany Committee, whereby it appears that the said Franks is a friend to the American cause, and is permit-

ted to go to New York with his man servant on private business. Mr. Franks requested a certificate for himself and servant to go to Philadelphia.

Thereupon the following certificate and pass was given him.

"This Congress having assurance of the friendly disposition of the bearer hereof, Mr. David S. Franks, to the cause and rights of America, do recommend that he be permitted to pass with his man servant to the City of Philadelphia."

American Archives consisting of a Collection of Authentick Records, State Papers, Debates, Letters and other Notices of Publick Affairs. by Peter Force. Washington, 1846.

Fourth Series. Vol. 6 pp. 1437-8.

LEON HÜHNER.

AN EARLY OWNERSHIP OF LAND AT OYSTER BAY, N. Y. BY A JEW.

The following item is taken from the manuscript record at Jamaica, L. I.

Liber 1. Town Records of Oyster Bay, p. 287.

"To all Christian People to whom these Presents shall come. Greeting:

Know we Rachel Levy late widow of Samuel Myers Cohen of the city of New York, Marchant late deceased, and Abraham Meyers Cohen and Jacob and Wm. Walton Jr. all of the City of New York aforesaid, General executor to the estate of ye said Samuel Meyers as were nominated and appointed by the said Samuel Meyers Cohen in and by his last will and testament, who are likewise empowered to sell and dispose of all ye land belonging to the said Samuel Meyers Cohen at his decease as it may fully appear by the said will, wherefore an in consideration of ye sum of sixty five pounds of Currant money of New York to us in hand paid before ye ensealing and delivery of these presents by Samuel Macon of Oyster Bay in Queens County on ye Island Nassau &c." sells . . .

(Here follows description of the property (19 acres)).

The above deed is dated "this 16th day of January in y 19th year of his Majesties Reyne Anno Domini Thousand seven hundred and forty five. LEON HÜHNER.

A JEWISH LOYALIST DURING THE REVOLUTION.

A Jew named Pollock was plundered of 900 johannes by the British after the capture of St. Eustatius. He appears to have petitioned Parliament for redress and his case is thus described by Mr. Burke in a speech before the House of Commons, May 14, 1781.

"He had formerly lived on Rhode Island and because he had imported tea contrary to the command of the Americans, he was stripped of all he was worth and driven out of the island. His brother shared in his misfortunes but did not survive them; his death increased the cares of the survivor as he got an additional family in his brother's children to provide for.

Another Jew married his sister and both of them following the British army had for their loyalty some lands given them along with some other American refugees on Long Island by Sir William Howe.

They built a kind of fort there to defend themselves but it was soon after attacked and carried by the American and not a man defended it escaped either death or captivity. The Jew's brother-in-law fell during the attack. He survived and had then the family of his deceased brother-in-law, his mother & sister to support.

He settled at St. Eustatius where he maintained his numerous family and had made some money when he and his family were once more ruined by the commander of the British force."

See Sabine's History of the Loyalists. Vol. II, p. 196.

LEON HÜHNER.

AN EARLY THANKSGIVING DAY SERMON PREACHED IN NEW YORK.

In the *Daily Gazette* for Dec. 23, 1789, there appeared an interesting advertisement, stating that upon the following day there would be published at the price of one shilling, a discourse delivered by the Rev. Gershom Seixas in the Jewish Synagogue on Thanksgiving Day, Nov. 26, 1789. The advertisement closed with the following statement: "This excellent discourse (to which is annexed the order of service) *the first of the kind ever preached in English in this State* is highly deserving the attention of every pious reader whether Jew or Christian as it breathes nothing but pure morality and devotion."

See T. E. V. Smith, "New York City in 1789" (N. Y. 1889), p. 146.

Leon Hühner.

NECROLOGY.

Gratz Mordecai.

Gratz Mordecai was born in the City of Washington, District of Columbia, December 17, 1849, his father being the late Major Mordecai of the U. S. Army, who was stationed at that time in command of the Washington Arsenal. His grandfather was Jacob Mordecai, who was a member of the special Military organization that acted as escort to the Continental Congress when it returned to Philadelphia after its evacuation by the British troops.

His mother was Sara Hays, the granddaughter of Isaac Hays who came to New York from Holland, was naturalized in 1741 and made a freeman of that City in 1748. His grandmother on the maternal side was Richea Gratz, the sister of Rebecca Gratz, often alluded to as the original of Rebecca in Walter Scott's novel "Ivanhoe."

Mr. Mordecai's family moved to Troy, N. Y., in 1857, his father, Major Mordecai, being in command of the Watervliet Arsenal, and in 1861, when a permanent residence was effected in Philadelphia, the subject of our sketch attended the private school of Benjamin Hallowell, subsequently taking a course at the Polytechnic College an engineering school well known in those days, from which he was graduated as a Civil and Mining Engineer at the age of 18 years. His first important work was in association with Mr. Partridge, the well known contractor who engineered the tunnel through the City of Washington, then became assistant engineer to Mr. William Jolliffe, Clifton Forge R. R., Virginia, from 1877 to 1880, and afterward a term of years was spent on the West Shore Railroad and on similar enterprises in the City of New York. In 1885 he wrote for the "Railroad

Gazette" a "Report on the Terminal Facilities for Handling Freight of the Railroads Entering the Port of New York, Especially of those Railroads having Direct Western Connections." This is a monumental work, most carefully prepared in great detail, and evinces a remarkable intellectual grasp of the subject.

After his father's death, which took place in 1887, with a noble spirit of self sacrifice, he gave up his prospective interests and advancements in New York, returning to Philadelphia, so as to cheer and comfort his widowed mother—one of the most charming and interesting personalities in Philadelphia in the last century. At this time he was tendered and accepted a position in the Transportation Department of the Pennsylvania Railroad, having as his chief S. M. Prevost, Esq. (now Third Vice-President of the company), filling ably and with entire satisfaction, the duties of his position until his death.

Mr. Mordecai was a member of the Engineers' Club of Philadelphia, frequently contributing papers on subjects of interest to the Craft, in which he expressed his views with great clearness and acceptability. He also wrote for the Jewish Historical Society a sketch of his grandfather, Jacob Mordecai one of the pioneers of female education in the South.

A member of the congregation Mickve Israel of Philadelphia, on the creation of the Trust Fund for the Gratz College, he consented to serve as a member of the Board of Trustees. The founder of the Trust, the late Hyman Gratz, was his maternal greatuncle.

Amongst the papers that he wrote on Jewish subjects was an admirable criticism on "The Deicides" that famous book written by J. Cohen of Paris and translated by Anna Maria Goldsmid of London.

Mr. Mordecai was married at Wayne, Penna., on the last day of the year, 1900, to Mrs. Gifford, who was Miss Frances Kingsland, belonging to a distinguished New Jersey family.

Mr. Mordecai died after an extremely brief illness of pneumonia, at Swarthmore, Penna., February 28, 1902, and was buried in the Jewish cemetery of the congregation Mickve Israel, Federal street above Eleventh, on March 3.

He was of a modest and retiring disposition, but had many warm and sincere friends in the City of his adoption, and his interest in all that affected Judaism will always remain a pleasant memory. He is survived by his widow, and by his sisters, the Misses Laura, Rosa and Miriam, whose activities and religious zeal have been a great factor in social and communal life in Philadelphia. He is also survived by two brothers, Col. Alfred Mordecai, United States Army, and Augustus, also a Civil Engineer, living in Cleveland, Ohio, and identified for many years with important railroad interests.

CHARLES J. COHEN.

SAMUEL VANSTRAHLEN.

In the army of learning there is a division of ranks corresponding in large measure to that existing in the physical kind of warfare. There are generals and captains of scholarship; on the other hand there are privates who do their duty well in the station to which they have been called, and thus help in their measure to the victories of truth.

In the death of Samuel Vanstrahlen the American Jewish Historical Society has to mourn the loss of one of these private soldiers of learning. Born at Gouda in Holland in 1845, he came to England at the close of the sixties and at the death of Emanuel Deutsch in 1873 applied to the British Museum as a candidate for the post of assistant librarian in the Hebrew Department. He himself would have been the last to claim equality with the scholars whom it was thus his fortune to succeed—Emanuel Deutsch and Joseph Zedner. The latter especially by his exact bibliographical knowledge and intimate relation with the leading Jewish scholars and booksellers throughout Europe, had raised the Hebrew collection in the

British Museum to the foremost rank as regards printed books of all the European collections, and he had made his catalogue of the collection a model of conciseness and accuracy. Vanstrahlen had the task of keeping the collection up to the level to which it had been raised by Zedner, and it can scarcely be said that he rose to the occasion at once. Years after his appointment complaints were numerous that serial publications were not being kept up and important contemporary publications were not being acquired; but these complaints grew less as he advanced in experience, and by the time he published the "Supplementary Catalogue of Hebrew Books in the British Museum" in 1894 there was little to complain of, either as to the extent of the additions made to Zedner or as to the accuracy with which they have been catalogued. It became clear that Vanstrahlen in the interim had trained himself from a poor to an efficient bibliographer. In particular the care with which he had collected modern Hebrew and Yiddish belles lettres shows that he had an instinct for what would be of interest in the immediate future.

Perhaps the most valuable part of his catalogue was the elaborate index of titles which covered also those contained in Zedner's volume and ran to 11,100 titles. He had made a subject catalogue of all these works, but on submitting this to the Trustees of the British Museum it was found to be on too elaborate a scale for publication, and he was engaged at his death in reducing this to practical proportions.

Vanstrahlen showed an interest in that part of American Jewish history which connected the Western Hemisphere with his native country, Holland. Some years ago he wrote letters to the *Jewish Chronicle* pointing out the relations between the Jews of this country and Amsterdam, and he had promised to undertake some researches throwing light upon this interesting topic. Unfortunately failing health and his somewhat sudden death on December 8th, 1902, prevented him from carrying out his promise.

JOSEPH JACOBS.

Leonard Lewisohn.

Leonard Lewisohn was born in Hamburg, Germany, on October 10th, 1847. His ancestors had been prominent as merchants in that city as early as 1790. He was an earnest student and received an excellent training, both in religious and secular branches. At an early day he evinced an extraordinary aptitude for commercial pursuits, and at the age of fourteen entered his father's office, where he added experience to his natural qualifications and developed a breadth of view which distinguished him from his fellows.

At the age of eighteen he came to New York, where a branch of his father's business was located, and from a subordinate capacity he soon took charge of the business, and in 1866 founded the firm of Lewisohn Brothers.

From that time forth his career was that of a great merchant. The business of his firm expanded in every direction. Originally confined to the importation of feathers, it extended to dealings in metals and to mining, to the extent that it became the selling agent of a large proportion of the entire copper product of the United States. His firm were pioneers in the development of the extensive copper mines of Butte, Montana, and their operations in Arizona, Utah, Michigan and Tennessee became enormous.

Mr. Lewisohn gave close personal attention to all of these great interests. He was on the directorate of numerous corporations, including mercantile, mining, railroad, manufacturing and banking enterprises. His advice was sought by the leading financiers of the country. He was a born merchant, prompt and decisive in action, courageous and fearless in enterprise, of untiring energy, broad and liberal in his views, convincing in his manner, and scrupulous and honorable in all of his dealings.

Notwithstanding the magnitude of his financial interests, he none the less evinced a deep personal interest in everything that pertained to Judaism. He was prominent in the

synagogue, at which he was a faithful attendant. He was strict in his observance of the Sabbath. He was one of the early directors of the Hebrew Free School Association and took an active part in its work. He was a generous contributor to the several Jewish charities.

It was due to his activity and interest, more than that of any one man, that the Jewish Theological Seminary of America was reorganized and Doctor Schechter was induced to accept the presidency of its faculty. He was one of the incorporators and directors, and one of the founders of its endowment fund.

He was likewise one of the directors of the Educational Alliance, in whose activities, especially its religious and moral work, he took a lively interest, and it is known that but a short time before his death he had expressed the purpose of giving more of his time and personal attention to its management than he had theretofore been enabled to devote to it.

He was one of the mainstays of the Hebrew Sheltering Guardian Society, recognizing the importance of that institution and its necessities to such an extent that through his single endeavor this worthy institution was practically relieved from debt and was placed in a position which will enable it to enlarge its sphere of usefulness.

When the Jewish Encyclopedia was almost moribund and to all appearances that important literary undertaking could not survive its financial difficulties, Mr. Lewisohn, appreciating the importance of the work, became one of the leading factors in its rehabilitation and made it possible for the publication to continue.

The Montefiore Home, and especially its country sanitarium, was the recipient of his beneficence; and he was closely identified with the Alliance Colony and all other movements intended to benefit the Jewish immigrants.

In all of his philanthropic work he was modest and retiring, seeking neither praise nor recognition, eager only for practical results.

He was married in 1870 to Rosalie Jacobs, who died in 1900. He did not long survive her, his death occurring in London, England, on March 5th, 1902. L. M.

Rev. Dr. Adolph Moses.

The Rev. Dr. Adolph Moses was born in the year 1840 in the small, unmapped hamlet of Kletchevo, Poland, close to the Prussian frontier. His father, Rabbi Israel Baruch Moses, was a Talmudist of rare spirit and piety, and under him Adolph Moses received his early training and Talmudic education, which ever left an indelible impress upon his mind and character. On his father's removal to Santomishel, in the province of Posen, young Moses continued his studies at the yeshiba of a famous rabbi, returning three years later to his father's home. Then he was sent to Schrimm and Militsch in Sillesia, pursuing in these latter places his secular and Talmudic studies in preparation for the University of Breslau and the Rabbinical Seminary. At both institutions in Breslau, ample opportunity was afforded to his intellectual avidity as well as to his indefatigable zeal. He attended lectures on history, philosophy and philology, subjects that remained his prime favorites until the end. Scarcely had he time to enjoy and fully appreciate the advantages of his new situation, when the call came from struggling Italy for volunteers in the cause of liberty. With the impetuosity of youth and all the enthusiasm of his nature he betook himself south and enlisted in the Garibaldian army in 1859. After a year of fighting and exceeding hardship he left the victorious Italians and made his way back to Breslau. His Italian experience had served to enlarge his vista, and the ungainly Bahur had been transformed into a man of cosmopolitan character and tastes. Remarked now by his former associates as a man of erratic temperament and quixotic disposition, it was only under the kind encouragement of Abraham Geiger, Herman Cohen and others, who understood the ani-

mating motives of the young man, that Adolph Moses was enabled to continue his studies in the Talmud and modern culture.

Nothing satisfied, however, with the untoward outcome of his previous military experience, abiding by a promise made on his return from Italy that he would assist in the first Polish insurrection, in 1863 he crossed the frontier and engaged in the ill-fated Polish revolt of that year. Soon commissioned as an officer, there devolved upon young Moses the important duty of transporting ammunition across the frontier to the rebel army. Unluckily betrayed, he and his whole company were thrust into Russian prisons. His bitter persecution at the hands of the Russian soldiery he describes most vividly in the novel, entitled, "Luser, the Watchmaker: An Episode of the Polish Revolution," published in German and later translated into English. Finally released through the intervention of the Prussian Consul, he was sent back to his studies. Soon following his friend and master, Abraham Geiger, to Frankfort-on-theMain, Dr. Moses continued his studies there under that giant mind and noble character. Subsequently he spent two years at the University of Vienna, and from 1868 to 1870 taught in an academy at Seegnitz, Bavaria. It was thence that, through the influence of some American friends, he was called to the rabbinic office at Montgomery, Alabama. Remaining at Montgomery but a short while, Dr. Moses was called to Mobile, in the same State, where he labored for some ten years. He had become thoroughly Americanized in every sense of the word, acquiring in a remarkably brief period perfect mastery of the written and spoken English. Despite the manifold duties incumbent upon the rabbi at that time and place, Dr. Moses never forsook his scholarly pursuits. From 1880 to 1882, in conjunction with his brother and Dr. Emil G. Hirsch, he edited the Zeitgeist, a German weekly, in which appeared many of his best scientific and literary disquisitions. In 1881 commenced his labors at Louisville, Ky.,

where he remained for twenty-two years. Here his work was eminently successful. He was an ardent and staunch believer in Reform Judaism, enthusiastically supporting Isaac M. Wise in the latter's many undertakings. Without the slightest spirit of iconoclasm, he nevertheless introduced changes of striking moment in the services and life of his congregation. As a leader of thought and culture in the Kentucky metropolis, Dr. Moses ever stood forth for what was best in political and social life. He was especially interested in the education of the blind, and successively appointed a commissioner of the Kentucky institution for those unfortunates.

While in Louisville Dr. Moses continued to publish articles on anthropology, philology and current topics in Jewish and secular periodicals. In 1890 appeared his pamphlet, entitled "Nadab und Abihu," which attracted the attention of many scholars. Similarly his booklet, "The Religion of Moses," issued at Louisville in 1894, gained many friends for his favorite idea of a universal Judaism to be known under the name of Yahvism or Jehovism. In this he laid stress upon the universal character of the Mosaic and Prophetic teachings. Moreover, spurred by scientific curiosity, Dr. Moses gave himself up for a number of years to the study of medicine and obtained his doctor's degree from the University of Louisville. For ten years, however, his health had gradually been failing, and despite his courage and mighty endeavor insidious disease overmastered him. The end came on January 7th, 1902, when, exhausted and wearied by the hopeless battle against the powers of nature, he passed away. His life and work in Louisville have been commemorated alike by Jew and Gentile. A memorial volume of his discourses and essays, with a biographical introduction by his former associate and present successor, Rev. H. G. Enelow, has been published.

Asher I. Myers.

The death of our late friend, Asher I. Myers, the Editor of the *Jewish Chronicle* of London, which took place during May of 1902, and which we all deeply lament, was a public event, and as such reported and commented upon by the public press. There is no need, therefore, for me to enlarge here upon the nature and the merits of his public work. Nor could I, if I would, as I am so little initiated into the secrets of that profession to which he was an ornament. But if I may, as a layman, make one remark upon it, it is the following:

I was once present when a friend of mine put the question to a well-known journalist, "Sir, is it true that modesty is the first condition for success in your profession?" The journalist, who seemed to have resented the curiosity of my friend, rather harshly answered: "You probably take me to be a reporter of 'Punch' or 'Puck.'"

Notwithstanding this answer, I think that modesty had something to do with the success of our late friend. The editorial *we,* which he used as freely as all public organs, never led him astray to think of his opinion as the authoritative one. His ambition was to represent the community for which he lived and labored for nearly half a century. Its views were the views of his paper.

But even the support of the majority never went with him sa far as to deny the right of minorities. He fully understood that a Jewish paper means after all a religious paper, and that religion is a matter of conscience which declines to be represented or absorbed by majorities.

When discussing one day among our friends the possibility of a Jewish Synod, someone made the remark: "But suppose all the authorities of the world agree to abolish the Sabbath or the Passover, and one Jew, without any authority either of office or position, maintained that he would stand by the Sabbath. Who would then be the apostate?" When

Myers exclaimed: "I should like to be he, and would certainly put my paper at his disposal!" His paper was thus a real representative paper of all opinions and shades of opinion advanced by the Jewish community of England.

But besides being an Editor, his most prominent feature was that of being a friend. He was the friend of all the world in the true and best sense of the word. I think I shall not exaggerate if I maintain that there are few among those present here who have ever travelled in England in the capacity of students or journalists, who have not received from Asher Myers some token of kindness in one way or another. I have myself made many an important acquaintance with American gentlemen, either in his office, or at his table.

There was a certain magnetism about him which made him the centre of various movements in England. To name here only one, I will mention the "Wandering Jews," who first met in his house. This was the honeymoon of the society which afterwards developed into the present organization known under the name of the "Maccabeans;" a very fine-sounding name, with regular and honorary members, and dinners and toasts and laudations and all the paraphernalia of an English club—but rather respectable.

Learning had a special claim upon him, whether represented by individuals or societies. He was one of the most active members of the committee of the Jew's College in England. He was also largely interested in the proceedings of the Anglo-Jewish Historical Society, and I am informed that he did his best for the American Jewish Historical Society, which he helped and encouraged in various ways. But better than all was, as already indicated, his personal friendship, which I am proud to say, I enjoyed in a large measure. People speak of classical friendships, of friendships made in colleges, but I doubt whether they have ever reached, except in novels, that degree of self-denial and self-sacrifice, which I have so often seen with Myers. He was helpful to me in deed

and in word. We agreed to differ from the very beginning of our acquaintance, which extended for many years, and except in a single case, there never came a shade of resentment, though my views did not always happen to be those of the majority. He was noble and forgiving, and though, given by his profession to the *we,* he was always ready at the call of his friends with the answer, *Hineni* "Here *I* am." However, his friendship was too sacred a thing to be exhibited in public. What is best in us after all, be it religion, or love, or friendship, will always shrink back from publicity.

I will, therefore, conclude at once, and say that he is indeed still with us, and that his name will never disappear from among us as long as there will remain a single witness bearing testimony to this fine and noble soul.

SOLOMON SCHECHTER.

AARON FRIEDENWALD.

Aaron Friedenwald, physician and philanthropist, was born December 20, 1836, and died August 26, 1902. He studied medicine first in Baltimore at the University of Maryland, and later spent two and a half years at the Universities of Berlin, Prague, Vienna and Paris. He especially devoted himself to the diseases of the eye under Von Graefe, and made this branch of medical science his specialty in after life. He was a member of the Medical and Chirurgical Faculty of Maryland for twenty-five years, and was elected its President in 1890. He was the first President of the Maryland Opthalmological Society. At his suggestion, a convention was called to consider the improvement of medical schools, resulting in the formation of the American Association of Medical Colleges. Doctor Friedenwald, was its first Vice-President. From 1873, he was Professor of Diseases of the Eye and Ear in the College of Physicians and Surgeons. Doctor Friedenwald took an active interest in all Jewish affairs and held many offices in various organizations. He was a Zion-

ist and warm supporter of the Choveve Zion Movement, long before the foundation of Modern Zionism. He was one of the founders of this Society, of the Jewish Theological Seminary, of which he was director from its organization, Vice-President of the Jewish Publication Society of America. In Baltimore he served as President of the McCulloh Street Synagogue, Director of the Hebrew Orphan Asylum, President of the local branch of the Alliance Israelite Universelle, and had charge of the local Baron de Hirsch Fund. He was well-known as a lecturer, and frequent contributor to the medical journals and proceedings of medical societies. In fact, it is not too much to say that every useful cause in medical education and science, everything that advanced the Jewish religion, which Doctor Friedenwald practiced as well as advocated, and everything tending to the amelioration of the condition of his people, found in him a tireless and efficient champion. If I may be permitted to repeat the words spoken at the meeting held in his memory, "He was my friend and I loved him; his like I shall not see again..... ..... Thoroughly educated, well-equipped, upright, just, generous, a Jew to whom the yoke of the law was a joyous privilege and not a grievous burden, his memory shall be for a blessing."

CYRUS ADLER.

ABRAHAM PEREIRA MENDES.

Abraham Pereira Mendes was the first American-born Jew who devoted his life to the ministry and who, at the same time, studied to qualify himself for the Jewish pulpit. In 1825, there were few ministers, other than Hazanim, in America; there were no regular English preachers and there was seldom an English sermon. If such was delivered, it was usually preached by a layman. In that year in Kingston, Jamaica, the subject of this memoir was born.

In 1843, upon the establishment of the Beth Limud School of the Sephardic congregation, he became its first instructor.

This was one of the first religious schools founded in America. He had acted as Baal Kore in the German congregation, though he himself was a member of the Spanish and Portuguese Synagogue.

He proceeded to England to study for the ministry, and on Shabuot 1845 (5605), he preached in the ancient Bevis Marks Synagogue, London. The sermon was printed and dedicated to his early teacher, the Rev. Moses N. Nathan, a worthy and beloved teacher and preacher in Israel, whose life-work deserves the attention of this Society, and whose name is revered to this day by all West Indian Hebrews.

In that year Mr. Mendes preached a course of sermons in the London Portuguese Synagogue, thus being one of the pioneers of preaching in the vernacular in England. It is somewhat strange that an American-born young man should have become identified with this innovation in conservative England.

He had the good fortune to be placed under the instruction of the erudite Rabbi, Dr. David Meldola, and the Rev. D. A. de Sola, known as "the Learned Hazan." He received from the former his diploma as teacher in Israel, and from the latter and also from Rev. D. W. Marks, flattering credentials. He left Jamaica, where he became Assistant-Hazan to the Rev. Isaac Lopez, and Preacher in the Portuguese Congregation, but he was almost immediately elected Minister to the Montego Bay Congregation.

The illness of his wife forced him, in 1851, to take her back to her native land, and he left for England with the loving good wishes of all. He was unable to return, much to the regret of the congregation, and was obliged to make his home beneath the milder skies of England. In August, 1851, he was installed master of the Hebrew National School, Birmingham, and early in 1852 became Preacher of the Congregation, in place of Dr. Raphael who had left for New York. With characteristic energy he opened classes for

young men, in Hebrew, Spanish, French, and Italian. But harder work was in store for him. For the Congregation determined to build a new and larger Synagogue. This decision was itself a testimony to his successful ministrations; and the structure exists to-day, a beautiful building, a monument to him as to all the worthy men who labored for it.

In 1854 he was asked to publish a volume of his sermons. He did so, and to him belongs the honor of publishing the first volume of sermons in the English language. It is accorded special mention in "Etheridge's Handbook of Jewish Literature," and was very favorably reviewed by the general press. A special feature in it is a Confirmation Service for boys at Tabernacles.

In 1857 his congregation was deprived of his leadership, for he took charge of a large Communal Institution in London, the Neveh Zedek, superintended its removal into new quarters, and governed it during those critical years of its existence. But he found time to continue his duties as minister and teacher; for we find him preaching in London Synagogues, and in 1861 he published "The Law of Moses," which for many years was the standard text-book of Jewish religion and is still used in this country.

A pleasing tribute of love and esteem from his former congregation in Birmingham was its invitation to him in that year to preach at the reconsecration of the Synagogue which had been closed for renovation. But a greater tribute to his standing in the community was his being selected to translate the "Daily Prayer Book of the German Jewish Ritual with Dinim." This he accomplished together with a translation of the Hagadah for German and Portuguese Jews with explanatory notes. Both of his translations are still favorite editions. It may be mentioned also that he labored with Rev. D. A. de Sola in the translation of the Machsor for the German or Ashkenaz community of the

British Empire. At the death of that learned minister, he assumed full charge of the whole work and successfully completed what the Rev. de Sola had so well commenced and had carried so far forward.

These labors in the fields of Jewish literature and education led to a wider enterprise. In 1864 he opened Northwick College, an institution which speedily became widely known and whose advantages were sought for the sons of some of the best English and West Indian Jewish families. Among its students were some who to-day are well known in the Jewish community, such as Prof. Raphael Meldola, F. R. S., Dr. Clifford, M. R. C. S., Rufus Isaacs, K. C., Mr. Isidor Spielman, Mr. Meyer A. Spielman, Mr. L. J. Greenberg, all men of note in England. In this country two of his sons, Rev. Dr. F. de Sola Mendes and the writer of this memoir, are ministers in New York City, and his nephew, the Rev. Dr. Isaac P. Mendes, is minister in Savanah, Ga. All three were educated by him as regular students of Northwick College, besides special Hebrew courses to qualify them for their intended sacred calling.

Not content with the management of the College, he organized therein courses of lectures by gathering round him such men as Drs. Dulcken, Herbert McLeod, Dr. Henry, Michael Henry of the Jewish Chronicle, Rev. S. de Sola, Dr. Klose, Dr. Levison, Isidore Ascher, Dr. Robertson Reid, Dr. Kisch, Prof. Meldola, and others. Their influence on Jewish culture in London must not be overlooked.

He found time for further literary work. He undertook an "Interlinear Translation" of the Prayer Book (published by Valentine), and published a Post-Biblical History of the Jews up to the period of the destruction of the second Temple.

Nor were his ministerial activities diminished. For shortly after the death of the late Rev. Dr. Artom, the Haham of the Sephardic Congregations of England, he was formally appointed to deliver courses of sermons at both Synagogues

of that community in London, and whenever occasion required he acted as Ecclesiastical Chief.

In 1883 he accepted a call to the Newport congregation, Rhode Island, where he officiated as minister until his death in 1893. In that year he passed away in New York, to the last anxious to get back to his duties in Newport. Thus in America ended his career, even as in America it had begun.

H. Pereira Mendes.

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I. The name of this Society shall be the "American Jewish Historical Society."

Objects.

II. Its objects shall be the collection, preservation and publication of material having reference to the settlement and history of the Jews on the American Continent.

Members.

III. Any person approved by the Executive Council may become a member by paying five dollars; and after the first year may continue a member by paying an annual fee of five dollars.

On payment of one hundred dollars, any person may become a life member exempt from fees.

Persons may be elected as honorary members and be exempt from the payment of fees; but no honorary member shall be elected except by the unanimous vote of the Executive Council.

Persons approved by the Council may be elected as corresponding members, and be exempt from the payment of fees.

Any member who shall have neglected or omitted to pay his annual dues for three successive years shall, on notice to him from the Treasurer of that fact and of this provision, *ipso facto* cease to be a member of this Society unless within one month after said notice he pays all of his dues in arrears or shall be excused therefrom by the Executive Council of the Society, which is hereby authorized on proper grounds to remit said dues.

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IV. The officers shall be a President, four Vice-Presidents, a Corresponding Secretary, a Recording Secretary, a Treasurer, a Curator, and an Executive Council, consisting of the foregoing officers and of nine other members elected by the Society, with the ex-presidents of the Society. These officers shall be elected by ballot at each regular annual meeting of the Society.

Council.

V. The Executive Council shall have charge of the general interests of the Society, including the election of members, the calling of meetings, the selection of papers to be read, and the determination of what papers shall be published.

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Julius Rosenthal, Fort Dearborn Building, Chicago, Ill.
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Bunford Samuel, Philadelphia Library, Philadelphia, Pa.
John Samuel, 821 Drexel Bldg., cor. 5th & Chestnut, Philadelphia, Pa.
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Miss Sara X. Schottenfels, care Maimonides Library, New York.
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David Sulzberger, 1220 N. 12th Street, Philadelphia, Pa.
Miss Henrietta Szold, 2120 Callow Avenue, Baltimore, Md.

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Oscar B. Teller, 903 8th Street, Philadelphia, Pa.
Montague Triest, Charleston, S. C.

V

Rev. Dr. Jacob Voorsanger, 1247 Franklin Street, San Francisco, Cal.

W

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Z

Captain E. L. Zalinski (5th U. S. Artillery), Century Club, N. Y.
Dr. Maurice Zeligzon, 773 Scovill Avenue, Cleveland, Ohio.

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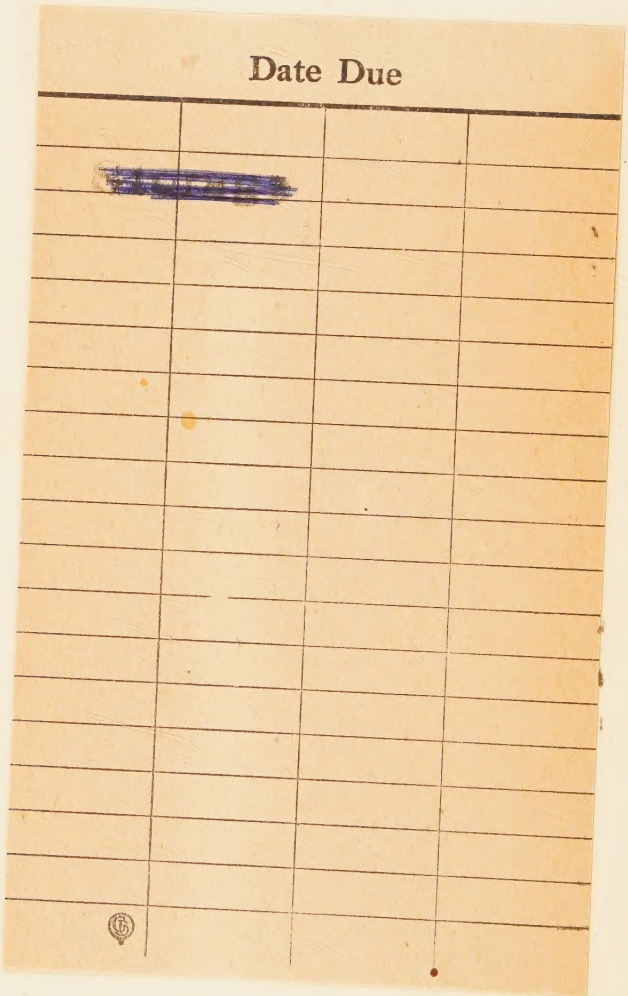
Isaac Minis, Savannah, Ga. 1893.
Jesse Seligman, New York. 1894.
Rev. Dr. A. Kohut, New York. 1894.
Lucien Moss, Philadelphia, Pa. 1895.
Rev. M. M. Bien, Vicksburg, Miss. 1895.
George Shea, New York. 1895.
Louis Schnabel, New York. 1897.
Jacob Sulzberger, Philadelphia, Pa. 1897.
Rev. Dr. S. Morais, Philadelphia, Pa. 1897.
Isidor Bush, St. Louis, Mo. 1898.
Jacob Ezekiel, Cincinnati, Ohio. 1899.
Hon. Jacob Baiz, New York. 1899.
William S. Rayner, Baltimore, Md. 1899.
Hon. Charles P. Daily, New York. 1899.
Prof. Moses Coit Tyler, Ithaca, N. Y. 1900.
David Hays, Rochester, N. Y. 1900.
Prof. Herbert B. Adams, Baltimore, Md. 1901.
Hon. Joseph Blumenthal, New York. 1901.
Rev. Dr. Adolph Moses, Louisville, Ky. 1901.
Gratz Mordecai, Philadelphia, Pa. 1902.
Leonard Lewisohn, New York. 1902.
Dr. Aaron Friedenwald, Baltimore, Md. 1902.
Asher I. Myers, London. 1902.
S. Vanstrahlen, London. 1902.
Hon. Solomon Hirsch, Portland. 1902.
Hon. Andrew H. Green, New York. 1903.
Rev. Dr. M. Jastrow, Philadelphia. 1903.
Horace A. Nathans, Philadelphia. 1903.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